

AGENDA

TORRES STRAIT ISLAND REGIONAL COUNCIL

DECEMBER 2020

Tuesday 8th December 2020, 10:30am – 5:00pm
Wednesday 9th December 2020, 9:00am – 5:00pm

Community Hall, Badu Island

COUNCIL ORDINARY MEETING

Tuesday 8th December 2020

Agenda Items

- | | | |
|----|--------------------------|---|
| 1. | <u>10:30am – 10:35am</u> | <u>Welcome and Opening Remarks</u> |
| 2. | <u>10:35am – 10:40am</u> | <u>Apologies</u> |
| 3. | <u>10:40am – 10:50am</u> | <u>Declaration of Conflict of Interest (COI) (Prescribed and Declarable)</u> |
| 4. | <u>10:50am – 11:00am</u> | <u>Confirmation of Meeting Minutes</u> <ul style="list-style-type: none">• November 2020 Ordinary Meeting• Economic Development Committee• Climate Change Adaptation and Environment Committee• Cultural Art and Land and Heritage Committee |

- | | | |
|----|--------------------------|--|
| 5. | <u>11:00am – 11:15am</u> | <u>Outstanding Ordinary Meeting Action Items</u> |
| 6. | <u>11:15am – 12:15am</u> | <u>BUSINESS SERVICES - Budget Review</u> |

12:15pm – 1:15pm – LUNCH

- | | | |
|-----|------------------------|--|
| 7. | <u>1:15am – 1:15am</u> | <u>COUNCIL MOVE INTO CLOSED BUSINESS</u> |
| 8. | <u>1:15am – 1:30pm</u> | <u>LEGAL – CB - Development Application – 125 Chapman St, Badu</u> |
| 9. | <u>1:30am – 1:45pm</u> | <u>LEGAL – CB - TSIMA Licence Agreement</u> |
| 10. | <u>1:45pm – 2:00pm</u> | <u>OCEO – CB - Industrial Relations Update</u> |
| 11. | <u>2:00pm – 2:00pm</u> | <u>COUNCIL MOVE OUT OF CLOSED BUSINESS</u> |
| 12. | <u>2:00pm – 2:15pm</u> | <u>ENGINEERING – Funding Matter – Torres Strait Seawalls Programme</u>
<u>Stage 2 – Late Report</u> |
| 13. | <u>2:15pm – 2:30pm</u> | <u>CORPORATE - Community Grants and Donation Procedures</u> |
| 14. | <u>2:30pm – 2:45pm</u> | <u>CORPORATE – Communication Policy</u> |
| 15. | <u>2:45pm – 3:00pm</u> | <u>CORPORATE – Terms of Reference – Standing Committees</u> |

3:00pm – 3:30pm – AFTERNOON TEA

- | | | |
|-----|------------------------|---|
| 16. | <u>3:30pm – 3:45pm</u> | <u>BUILDING – Contract Matter – 46 Aikuru St, Warraber</u> |
| 17. | <u>3:45pm – 4:00pm</u> | <u>BUILDING – Contract Matter – 33B Dabus St, Warraber</u> |
| 18. | <u>4:00pm – 4:15pm</u> | <u>BUILDING – Contract Matter - 12 Phillemon St, Warraber</u> |
| 19. | <u>4:15pm – 4:30pm</u> | <u>BUILDING – Contract Matter – 14 Aikuru St, Warraber</u> |
| 20. | <u>4:30pm – 4:45pm</u> | <u>OCEO – 2021 Ordinary Meeting Dates</u> |
| 21. | <u>4:45pm – 5:00pm</u> | <u>OCEO – Local Fares Scheme (verbal)</u> |
| 22. | <u>5:00pm – 5:05pm</u> | <u>Closing Remarks and Prayer</u> |

COUNCIL ORDINARY MEETING
Wednesday 9th December 2020
Agenda Items

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|-----|-------------------------|--|
| 23. | <u>9:00am – 9:05am</u> | <u>Welcome and opening prayer</u> |
| 24. | <u>9:05am – 9:35am</u> | <u>PRESENTATION 1:</u> Mr Gerald Bowie, Badu Community member |
| 25. | <u>9:35am – 9:45am</u> | <u>LEGAL – Delegations Register update</u> |
| 26. | <u>9:45am – 10:00am</u> | <u>OCEO – Contractual Matter – Telstra Contract</u> |

10:00am – 10:30am - MORNING TEA

- | | | |
|-----|--------------------------|--|
| 27. | <u>10:30am – 12:30pm</u> | <u>PRESENTATION 2:</u> Ms Jacqueline Herbert – Department of Foreign Affairs and Trading, Thursday Island - |
|-----|--------------------------|--|

12:30pm – 1:30pm – LUNCH

- | | | |
|-----|------------------------|---|
| 28. | <u>1:30am – 2:30pm</u> | <u>PRESENTATION 3:</u> Skytrans – Sam Collings |
| 29. | <u>2:30pm – 3:30pm</u> | <u>PRESENTATION 4:</u> Ms Rosalie Jensen and Wayne Laza – Badu Move It Program |

3:00pm – 3:30pm – AFTERNOON TEA

- | | | |
|-----|------------------------|--|
| 30. | <u>3:30pm – 4:30pm</u> | <u>OCEO – Local Fares Scheme workshop</u> |
| 31. | <u>4:30pm – 4:40pm</u> | <u>Business Arising from Information Report</u> |
| 32. | <u>4:40pm – 4:45pm</u> | <u>Next Meeting Date Scheduled:</u> <ul style="list-style-type: none">• January 2021 |
| 33. | <u>4:45pm – 5:00pm</u> | <u>Strategic Matter</u> |
| 34. | <u>5:00pm – 5:05pm</u> | <u>Closing Remarks and Prayers</u> |

TORRES STRAIT ISLAND REGIONAL COUNCIL

REPORT/DISCUSSION PAPER

ORDINARY MEETING: December 2020

DATE: 8 & 9 December 2020

SUBJECT: 2020/2021 BUDGET REVIEW 1

ECM REF:

AUTHOR: Hollie Faithfull, Acting Chief Executive Officer

RECOMMENDATIONS

That Council adopts in accordance with s169 and s170 of the Local Government Regulation 2012 an amended budget for the 2020-2021 Financial Year as presented, incorporating:

- (i) The statements of financial position;*
- (ii) The statements of cashflow;*
- (iii) The statements of income and expenditure;*
- (iv) The statements of changes in equity;*
- (v) The long-term financial forecast;*
- (vi) The relevant measures of financial sustainability; and*
- (vii) The total value of the change, expressed as a percentage, in the rates and utility charges levied for the financial year compared with the rates and utility charges levied in the previous budget; and*
- (viii) Capital budget.*

PURPOSE

The purpose of this report is to update Council on the current budget position and resolve for adoption the Amended Budget for the 2020-2021 Financial Year.

BACKGROUND

Over the past months, Officers have undertaken a comprehensive review of the 2020-2021 Original Budget. This review was to ensure that each department was tracking in-line with Original Budget expectations and identify any changes to the budget where necessary.

Attached for Council endorsement is:

Model 1 – Internal Tenancy Management until 1 July 2023 then Housing Authority arrangement – Confirmed sources of capital funding only.

- Statement of Financial Position (Balance Sheet)
- Statement of Cash Flow;
- Statement of Income and Expenditure (Operating Statement Consolidated for the whole of the Council);
- Statement of Changes in Equity;
- Long Term Financial Forecast;
- The relevant measures of financial sustainability;
- The total value of the change, expressed as a percentage, in the rates and utility charges levied for the financial year compared with the rates and utility charges levied in the previous budget; and
- Amended Capital Budget;

COMMENT

The budget review has been formulated from analysing current operating activities and incorporating new grant funding agreements. In addition, any known changes to Council's service delivery have also been considered.

SUBSEQUENT EVENTS

Subsequent to presenting the 2020/2021 Budget Review and associated financial models to Council at the November Workshop, Council Officers has made the following adjustments which are reflected in the attached documents:

- Divisional R & M Budget increased from \$10k to \$50k per division – (\$335,468);
- TAP Budget increased from \$20k to \$50K under the executive Budget – (\$30,000);
- Savings on Cairns Rentals - \$36,869.

2020/2021 BUDGET REVIEW AT A GLANCE

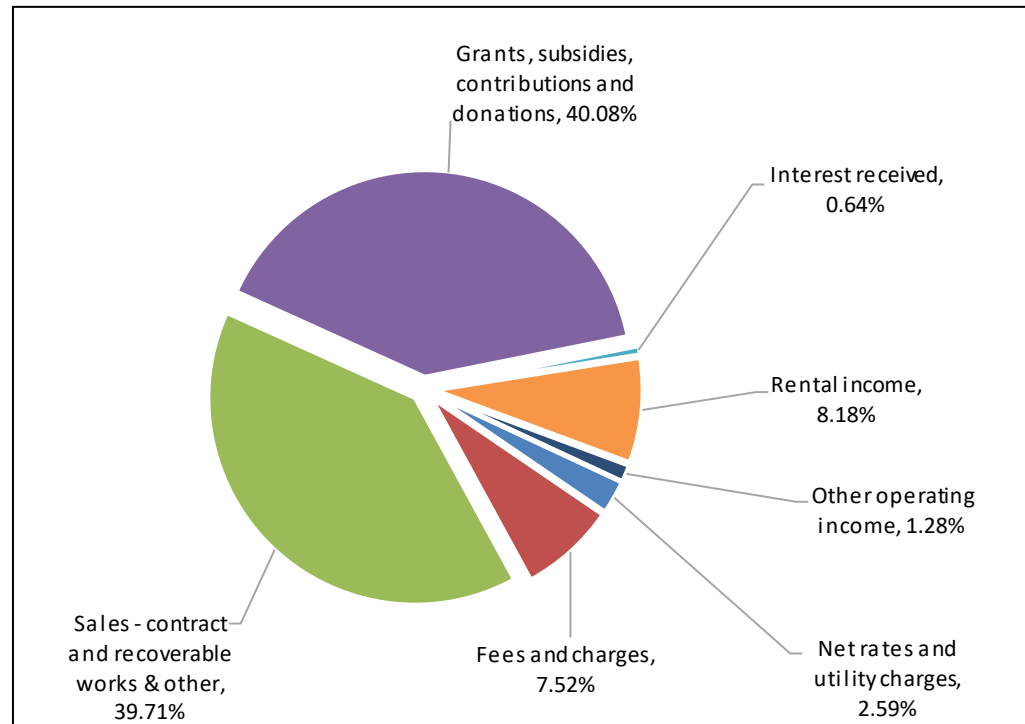
Statement of Income and Expenditure	
Operating Revenue	59,249,067
Operating Expenses(Excl Depn)	64,996,594
Net Operating Result(exc Depn)	(5,747,527)
Depreciation	46,507,984
Capital Revenue	63,686,473
Capital Expenses	3,500,000
Net Result	7,930,962
Capital Expenditure (\$'000)	
Capital Works Program	79,657,948

CONSOLIDATED PERFORMANCE

Operating Revenue

OPERATING REVENUE CATEGORIES 2020/21 Budget Review

Category	Budget \$'000
Net rates and utility charges	1,534
Fees and charges	4,456
Sales - contract & recoverable works and other	23,529
Grants, subsidies, contributions and donations	23,746
Interest received	379
Rental income	4,844
Other operating income	761
Total Operating Revenue	59,249

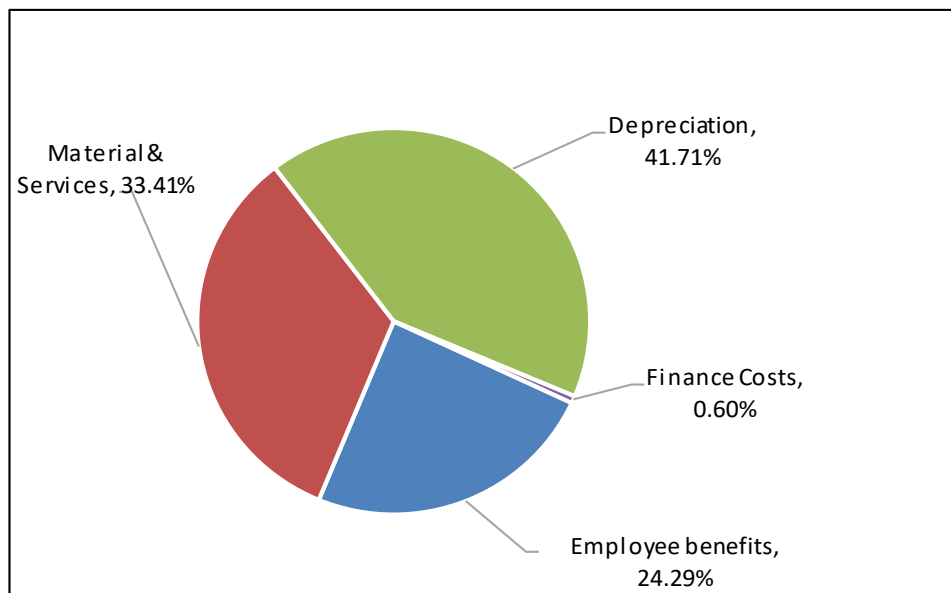


Contracts and recoverable works along with grants, subsidies, contributions, and donations continue to be the major source of income for Council at 39.71% and 40.08% of total operating revenue respectively.

Operating Expenditure

OPERATING EXPENSES CATEGORIES 2020/21 Budget Review

Category	Budget \$'000
Employee benefits	27,083
Material & Services	37,248
Depreciation	46,508
Finance Costs	665
Total Operating Expenses	111,505



Materials and services together with employee benefits comprise 58% of the Council's forecast total operating expenditure. Council is responsible for the provision of water and waste services maintenance, community, sport and cultural services and infrastructure for the community.

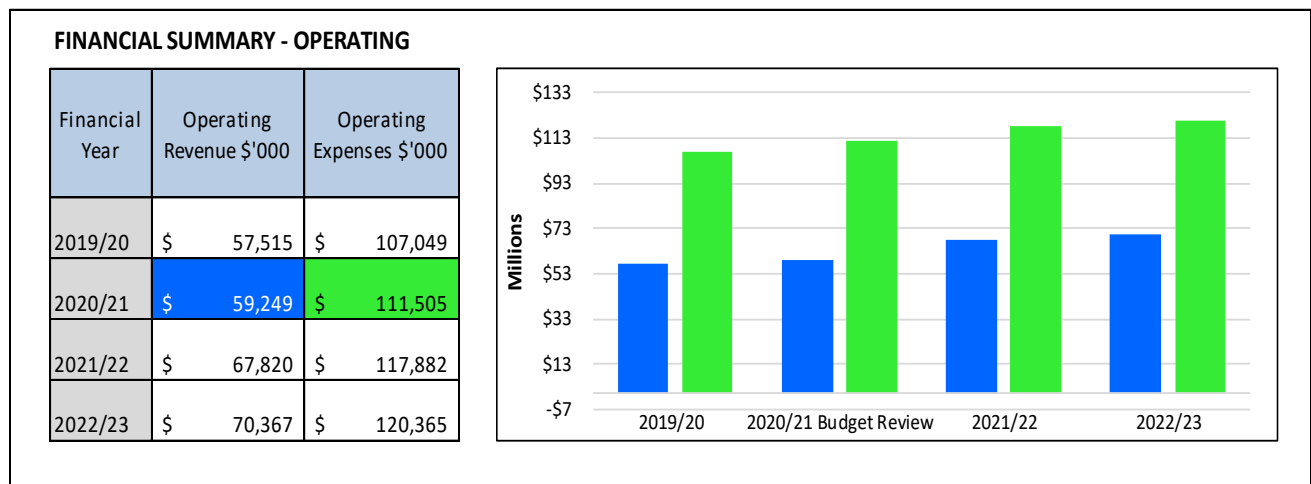
In addition to these expenses, depreciation makes up 42% of Council's planned expenditure. Depreciation represents an allocation of the use, or wear and tear of an asset over its expected useful life. It is impacted by the age, condition, pattern of use and disposal of existing assets, as well as the purchase and construction of new assets.

Operating Capability

Councils budgeted Operating Capability (before depreciation) is budgeted as a deficit of \$5,747,527 for 2020/2021 financial year.

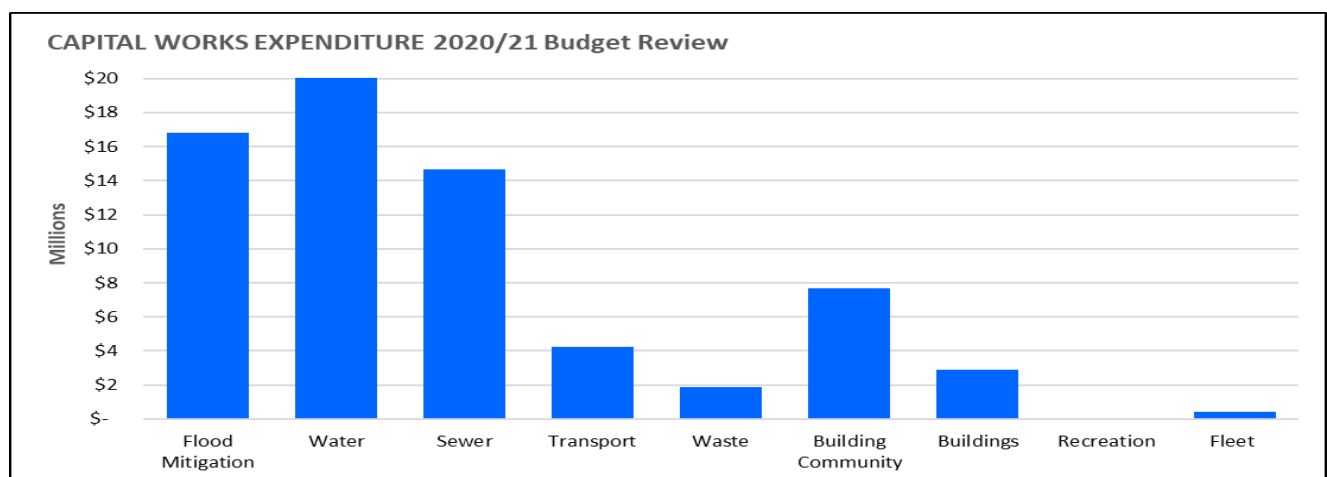
Total budgeted depreciation expense for 2020/2021 Original Budget is forecast to be \$46,507,984. The Operating Capability (after depreciation and before capital items) is a consolidated budgeted deficit position of \$52,255,511.

The graph below summaries the estimated operating revenue and expenditure (including depreciation) for the previous financial year and the next three.



Capital Budget

The Capital Expenditure Budget for 2020/2021 Budget Review totals \$79,657,948. Council will utilise a combination of revenue, capital grants and capital contributions to fund Council's capital budget. The following table provides a breakdown of the proposed capital works for the 2020/2021 year by asset category.



Council capital revenue for 2020/2021 is budgeted to be \$63,686,473.

LINKS WITH STRATEGIC PLANS

The budget review has been developed in accordance with Council's Operational and Corporate Plans.

STATUTORY REQUIREMENTS

The ***Local Government Regulation 2012*** requires:

S. 169 Preparation and content of budget

- (1) *A local government's budget for each financial year must—*
 - (a) *be prepared on an accrual basis; and*
 - (b) *include statements of the following for the financial year for which it is prepared and the next 2 financial years—*
 - (i) *financial position;*
 - (ii) *cash flow;*
 - (iii) *income and expenditure;*
 - (iv) *changes in equity.*
- (2) *The budget must also include—*
 - (a) *a long-term financial forecast; and*
 - (b) *a revenue statement; and*
 - (c) *a revenue policy.*
- (3) *The statement of income and expenditure must state each of the following—*
 - (a) *rates and utility charges excluding discounts and rebates;*
 - (b) *contributions from developers;*
 - (c) *fees and charges;*
 - (d) *interest;*
 - (e) *grants and subsidies;*
 - (f) *depreciation;*
 - (g) *finance costs;*
 - (h) *net result;*
 - (i) *the estimated costs of—*
 - (i) *the local government's significant business activities carried on using a full cost pricing basis; and*

- (ii) *the activities of the local government's commercial business units; and*
 - (iii) *the local government's significant business activities.*
- (4) *The budget must include each of the relevant measures of financial sustainability for the financial year for which it is prepared and the next 9 financial years.*
- (5) *The **relevant measures of financial sustainability** are the following measures as described in the financial management (sustainability) guideline—*
 - (a) *asset sustainability ratio;*
 - (b) *net financial liabilities ratio;*
 - (c) *operating surplus ratio.*
- (6) *The budget must include the total value of the change, expressed as a percentage, in the rates and utility charges levied for the financial year compared with the rates and utility charges levied in the previous budget.*
- (7) *For calculating the rates and utility charges levied for a financial year, any discounts and rebates must be excluded.*
- (8) *The budget must be consistent with the following documents of the local government—*
 - (a) *its 5-year corporate plan;*
 - (b) *its annual operational plan.*
- (9) *In this section—**financial management (sustainability) guideline** means the document called ‘Financial Management (Sustainability) Guideline 2013’, version 1, made by the department.*

S.170 Adoption and amendment of budget

- (1) *A local government must adopt its budget for a financial year—*
 - (a) *after 31 May in the year before the financial year; but*
 - (b) *before—*
 - (i) *1 August in the financial year; or*
 - (ii) *a later day decided by the Minister.*
- (2) *If the budget does not comply with section 169 when it is adopted, the adoption of the budget is of no effect.*
- (3) *The local government may, by resolution, amend the budget for a financial year at any time before the end of the financial year.*

(4) *If the budget does not comply with the following when it is amended, the amendment of the budget is of no effect—*

(a) *section 169;*

(b) *the local government's decision about the rates and charges to be levied for the financial year made at the budget meeting for the financial year.*

CONSULTATION

There has been significant consultation on the framing of the 2020/2021 Budget Review including internal meetings/workshops with Executives and Managers coupled with liaison with external funding agencies and lobbying government departments to secure funding commitments. Additionally, workshops were held with Councillors and Executive Officers throughout the budget process.

CONCLUSION

The Budget Review has been prepared in accordance with the aforementioned legislative requirements and recommended for adoption.

Hollie Faithfull
Acting Chief Executive Officer

ATTACHMENTS:

Attached for Council endorsement is Model 1:

Model 1 – Same Service Level – Internal Tenancy Management until 1 July 2023 then Housing Authority arrangement – Confirmed sources of capital funding only

- *Model 1 - Statement of Financial Position;*
- *Model 1 - Statement of Cash flow;*
- *Model 1 - Statement of Income and Expenditure;*
- *Model 1 - Notes to Statement of Income and Expenditure;*
- *Model 1 - Statement of Changes in Equity;*
- *Model 1 - Long Term Financial Forecast;*
- *Model 1 - Sustainability Ratios;*
- *Capital Budget*



TORRES STRAIT ISLAND REGIONAL COUNCIL

AGENDA REPORT

ORDINARY MEETING:	December 2020
DATE:	08/12/2020
ITEM:	Agenda Item for Resolution by Council
SUBJECT:	Funding Matter – Torres Strait Seawalls Programme Stage 2
AUTHORS:	Adeah Kabai – Manager, Capital Works

Resolution:

That pursuant to Section 257 of the *Local Government Act 2009*, Council delegates to the Chief Executive Officer:

1. power to make, amend or discharge current funding agreement signed/dated 11th November 2019 for Torres Strait Seawalls Programme Stage 2 to include the grant sum of additional \$20 Million from the Commonwealth Government to fund Coastal Defence works on Iama, Warraber & Masig.
2. power to negotiate, finalise and execute any and all matters associated with or in relation to this funding agreement including without limitation any options and/or variations.

Purpose:

The purpose of this report is to seek resolution to enable Council to accept the varied funding agreement with the Torres Strait Regional Authority (TSRA) to enable Coastal Defence Works to be implemented on Iama, Warraber and Masig.

Background:

Project Background

The Torres Strait Seawalls Program is a Commonwealth and State Government funded program aimed at providing a sustainable coastal defence works implemented on six (6) vulnerable island communities being Saibai, Boigu, Poruma, Masig, Iama and Warraber.

The key objective of the program is to fund the implementation of coastal defence systems to reduce the likelihood of tidal inundation and coastal erosion, and damage to community infrastructure.

The State and the Federal Governments initially funded the Torres Strait Seawalls Program Stage 1 with a funding of \$26.2 Million which primarily consisted of major works at Saibai and minor works at Boigu and Poruma. These works were delivered between 2013 and 2018 and are outlined in Table 1 below.

Community	Works Completed	Practical Completion
Saibai	<ul style="list-style-type: none"> - Cemetery – 455m masonry and 18m earth wall - Sea Wall – 2,284m of rock seawall - Wave return wall – 1,870m - Bund wall – 2,062m 	22 May 2017
Boigu	<ul style="list-style-type: none"> - Upgraded drains to have functional one-way flow valves - Upgraded the existing bunds to retain function - Upgraded existing seawalls including rock armour seawalls in vicinity of boat ramp & jetty 	30 November 2017
Poruma	<ul style="list-style-type: none"> - 20m of geotextile sandbag seawall - 140m of geotextile sandbags (funded by another source). 	September 2018

Table 1 - Works completed in Torres Strait Seawalls Stage 1

In May 2019, Council resolved to direct the \$20 Million funding made available from the Queensland State Government announced in December 2018, to complete additional coastal defence works at Boigu (Stage 2) and Poruma (Stages 2 – 5*), which includes extension works at both communities to realise optimum coastal protection at both communities. Coastal defence works for Masig, Iama and Warraber were subject to future funding.

In November 2019, Torres Strait Regional Authority (TSRA) as trustee for the Torres Strait Major Infrastructure and Other Projects Trust Fund and Torres Strait Island Regional Council (Grantee) entered into the 'Torres Strait Seawalls Programme Stage 2 MIOP Capital Works Grant Agreement to the value of \$20 Million (which is State Government funding).

Under the initial State \$20 Million, Construction of the Boigu coastal defence works (Stage 2) is currently underway on-site with forecasted practical completion of the project in August 2021. Coastal defence works for Poruma is at final stages of planning and approval, with on-site construction works likely to commence in early 2021 and with forecasted completion in April 2022.

In December 2019, the Commonwealth Government announced the allocation of an additional \$20 Million towards the Torres Strait Seawalls Programme Stage 2. Therefore, increasing the grant funding available to the Stage 2 program to \$40 Million to include optimum coastal defence works on Masig, Iama and Warraber.

In June 2020, TSRA signed an agreement with the National Indigenous Australians Agency (NIAA) for the additional \$20 Million that is now available to Council.

Note: No coastal works are intended for Saibai under current \$40 Million funding. However, operations and maintenance of the previously constructed seawalls (one way valves, drainage, culverts etc) is ongoing and funded by Council's operating budget.

Varied Funding Agreement

TSRA with input from Council (the Grantee) have amended the funding agreement to include the recently announced \$20 Million from Commonwealth Government. Therefore, the total grant amount for this programme is now \$40 Million which includes;

- The completion of the Capital Works on Boigu and Poruma in accordance with the Program Implementation Plan for those Capital Works; and
- Capital Works on Iama, Masig and Warraber in accordance with the Program Implementation Plan and scope contained within.

The funding agreement makes allowance for the use of surplus and/or uncommitted funds across all islands subject to approval from the Program Governance Committee (PGC).

The end date for the agreement has been extended to December 2024 inclusive of a 12-month defect liability period.

Proposed Works;

Table 2 outlines the proposed scope of works for the Torres Strait Seawalls Program Stage 2 that is inclusive of works forecasted for Masig, Iama and Warraber.

Community	Proposed Scope of Works
Saibai Island	<ul style="list-style-type: none"> No further Coastal defence works are intended for Saibai under current funding.
Boigu (Stage 2)	<ul style="list-style-type: none"> Construct new wave return wall – approx. 1022 metres Upgrade and extend existing bund wall – approx. 450 metres Repair/upgrade existing sea bee seawall and existing rock armour seawall Re-establish dugong & turtle processing slabs Replacement of sheds 'Zar Zar' in path of seawalls
Poruma (Stage 2 -5)	<ul style="list-style-type: none"> Construct geotextile sandbag seawall – approx. 1060 metres at four locations (stages 2 – 5*) Alter existing boat ramp and beach
Masig	<ul style="list-style-type: none"> Geotextile sand bag seawall – est 1,300 metres at four locations Geotextile Bund wall – est 2,800 metres Maintain access to existing 3 boat ramps – 2 located at north-eastern end of community, and 1 located at south-eastern end of community
Iama	<ul style="list-style-type: none"> Wave return wall – est 2100 metres Earth bund walls at two locations – est 600 metres Rock Seawall partial demolishing and reconstruction and raising of height – est 200 metres Rock Armour Seawall – est 450 metres Geotextile sand bag seawall with bund – est 650 metres
Warraber	<ul style="list-style-type: none"> Construction of wave return wall – approx. 325 metres Construction of geotextile bund wall – approx. 50 metres Rock Seawall partial demolishing and reconstruction and raising of height – approx. 690 metres Repair and top-up existing rock seawall – approx. 280 metres Geotextile sand bag seawall – approx. 300 metres

Table 2 – Proposed Scope of Works for each community

Note: Some of the proposed scope items are subject to available costings ie Poruma Stage 5.

Consultation:

- Torres Strait Regional Authority (TSRA)
- Torres Strait Island Regional Council (TSIRC)
- Program Governance Committee (PGC) for the Seawalls Programme
- TSIRC Mayor and Councillors
- Registered Native Title Body Corporate (RNTBC / PBC)

Finance & Risk:

The budget allocated to each community is based on proposed scope of works completed by an external consultant (AECOM) and as reviewed by TSIRC.

Budgets have been formulated with 10% contingency amount and is the Project Manager's responsibility to track and forecast remaining works in conjunction with available funds.

Statutory Requirements:

Local Government Act 2009 (Qld)

Conclusion:

That Council delegates to the Chief Executive Officer to enter into the varied funding agreement to enable implementation of the remaining Capital Works on Iama, Masig and Warraber in accordance with the Attachment A of the attached varied funding agreement.

**Endorsed:**

David Baldwin
Chief Engineer

Recommended:

Hollie Faithfull
A/Chief Executive Officer

Attachments:

1. TSRA Torres Strait Seawalls Programme Stage 2 MIOP Capital Works Grant Agreement

TSRA Torres Strait Seawalls Programme Stage 2

Ms Hollie Faithfull
Acting Chief Executive Officer
Torres Strait Island Regional Council
PO Box 7336
Cairns, QLD, 4870

Dear Ms Faithfull,

I am pleased to advise you that we have agreed to vary the Grant Agreement as detailed in the table below.

Activity Name	Program Name	Variation	Amount of Funding*
Coastal Inundation Mitigation	Safe Communities	Modified	\$40,000,000

* Exclusive of GST (if applicable)

We have a current Grant Agreement with you dated 8 November 2019 for Coastal Inundation Mitigation.

Where we have attached a revised Grant Agreement that will replace the current Grant Agreement on our acceptance of this variation. The current funding agreement will remain in place until the revised Grant Agreement has been signed by both parties.

The variations are outlined in the attached revised Grant Agreement and in all other respects the Grant Agreement remains unchanged.

This letter and attachments embodies the variation ("**Letter of Variation**"). Two copies are enclosed for you to sign. Once you have signed the Variation, you must return them to us at the address shown in the footer of this letter within **30 Business Days** of the date of this letter otherwise this offer will lapse. We may notify you in writing beforehand that we agree to extend the time in which you are to respond.

When we receive the signed Variation, we will sign and date both copies and return one to you for your organisation's records.

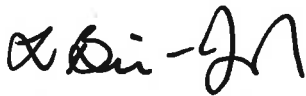
This is a Variation to the Grant Agreement made on 8 November 2019, between Torres Strait Island Regional Council and the Commonwealth of Australia represented by ("the parties").

The parties may seek to vary the Grant Agreement and may do so with this letter of variation.

The parties agree that:

- a) the variation takes effect from the date on which the Parties sign this Letter of Variation (and if they sign on different dates, then the date when the last party signs); and
- b) terms in this Letter of Variation with initial capital letters have the same meaning as they have in the agreement; and
- c) the only variations are those set out in this Letter of Variation. In all other aspects, the agreement remains unamended.

Yours sincerely,



Leilani Bin-Juda PSM

Chief Executive Officer and Trustee for the Torres Strait Major Infrastructure and Other Projects Trust

04 / 12 /2020

Torres Strait Seawalls Programme Stage 2 MIOP Capital Works Grant Agreement

between

**Torres Strait Regional Authority as
trustee of the Torres Strait Major
Infrastructure and Other Projects Trust
Fund**

and

Torres Strait Island Regional Council

Contents

Grant Agreement for Stage 2 of the Seawalls Project	6
Parties to this Agreement	6
Background	6
Scope of this Agreement.....	8
A. Purpose of the Grant	8
B. Activity.....	9
C. Duration of the Grant.....	17
D. Payment of the Grant	17
E. Reporting and record keeping.....	20
F. Party representatives and address for notices	21
G. Activity Material	22
H. Capital Works Particulars.....	22
I. Insurance	24
Supplementary Terms from Clause Bank.....	25
CB1. Other Contributions	25
CB2. Activity Budget.....	25
CB3. Access/Monitoring/Inspection	25
CB4. Assets	25
CB5. Trustee Material, facilities and assistance.....	26
CB6. Jurisdiction	26
CB7. Grantee trustee of Trust	26
CB8. Fraud	26
CB9. Anti-corruption	27
CB10. Step-in rights.....	27
CB11. Indemnity.....	28
CB12. Compliance with Legislation and policies.....	29
CB12A Appropriately qualified personnel	29
CB13. Work health and safety.....	29
CB14. Counterparts	30

CB15. Rollover of surplus and uncommitted funds	30
CB16. Secret and Sacred Indigenous Material	30
CB17. Additional circumstances in which a Grant amount may be withheld	31
CB18. Additional events that may cause the Agreement to be terminated	31
CAP1. Approvals	31
CAP2. Commencement	31
CAP3. Construction standards.....	32
CAP4. Material variations to the Capital Works.....	32
CAP5. Latent Conditions and other Site conditions.....	33
CAP6. Practical completion	34
CAP7. Defects after practical completion	34
CAP8. Real Property	35
CAP9. Purposes Deed	37
CAP10. Designated Use.....	37
CAP11. Activities on Native Title Land.....	38
Signatures	40
Schedule 1: Standard Grant Conditions.....	41
Attachment A to the Grant Details – Capital Works.....	52
Attachment B to the Grant Details – Activity Milestones.....	53
Attachment C to the Grant Details – Responsibilities	55

Grant Agreement for Stage 2 of the Seawalls Project

Once completed, this document, together with the Grant Details and the Standard Grant Conditions (Schedule 1), forms an Agreement between the Trustee and the Grantee.

Parties to this Agreement

Grantee

Full legal name of Grantee	Torres Strait Island Regional Council
Legal entity type (e.g. individual, incorporated association, company, partnership etc)	A local council established under the <i>Local Government Act (Qld)</i>
Trading or business name	Not applicable
Any relevant licence, registration or provider number	Not applicable
Australian Company Number (ACN) or other entity identifiers (if applicable)	Not applicable
Australian Business Number (ABN)	ABN 15 292 645 165
Registered for Goods and Services Tax (GST)?	Yes
Date from which GST registration was effective?	15 March 2008
Registered office (physical/postal)	Lot 12 Francis Rd, Hammond Island QLD 4875
Relevant business place (if different)	L3 111-115 Grafton St, Cairns QLD 4870
Telephone	0740345700
Fax	0740435750
Email	corporate.affairs@tsirc.qld.gov.au

Trustee

Torres Strait Regional Authority, a body corporate established under the *Aboriginal and Torres Strait Islander Act 2005* (Cth), as Trustee for the Torres Strait Major Infrastructure and Other Projects Trust Fund ABN 48 497 335 186 of Level 1 Torres Strait Haus, 46 Victoria Parade, Thursday Island QLD 4875

Background

The Trustee has agreed to enter this Agreement under which it will provide the Grantee with the Grant to assist the Grantee undertake the Activity.

The Grantee agrees to use the Grant, and undertake the Activity, in accordance with this Agreement including the Grant Details.

Scope of this Agreement

This Agreement comprises:

- (a) this document;
- (b) the Supplementary Terms from the Clause Bank in the Grant Details (if any);
- (c) the Standard Grant Conditions (Schedule 1);
- (d) the Grant Details;
- (e) Attachment A to the Grant Details – Capital Works;
- (f) Attachment B to the Grant Details – Activity Milestones; and
- (g) The Program Implementation Plan and any other document attached, referenced or incorporated in the Grant Details.

If there is any ambiguity or inconsistency between the documents comprising this Agreement, the document appearing higher in the list will have precedence to the extent of the ambiguity or inconsistency.

In this Agreement, a reference to a 'clause' is a reference to a clause in the Standard Grant Conditions in Schedule 1 to this Agreement and a reference to a 'Supplementary Term' is a reference to a term contained in the 'Supplementary Terms from the Clause Bank' section of the Grant Details.

This Agreement represents the Parties' entire agreement in relation to the Grant and the Activity and supersedes all prior representations, communications, agreements, statements and understandings, whether oral or in writing.

Certain information contained in or provided under this Agreement may be used for public reporting purposes.

Grant Details for Stage 2 of the Seawalls Project

A. Purpose of the Grant

The purpose of the Grant is to provide a sustainable coastal protection system that reduces the likelihood of inundation and damage to community infrastructure in the Torres Strait communities of Boigu Island, Poruma Island (Coconut Island), Iama Island (Yam Island), Masig Island (Yorke Island) and Warraber Island (Sue Island). The Grant will have the associated benefits of:

- providing employment and training opportunities for local community members
- maximising local enterprise opportunities and
- enhancing community and environmental health.
- Protection of infrastructure which includes economic, social, government and housing assets

The Grant is provided by the Trustee from the Trust.

B. Activity

The Grantee is required to ensure its (and its contractors') performance and management of the Activity complies with the requirements (including milestones, timeframes and Activity Budget) contained in this Agreement and the Program Implementation Plan most recently approved by the Program Governance Committee (PGC).

The Activity includes the completion of the Capital Works described in, and in accordance with, this Agreement, including the Capital Works Particulars in Item H of these Grant Details, and the Program Implementation Plan.

The Capital Works are described in **Attachment A** to these Grant Details and further detailed in the Program Implementation Plan. The Capital Works do not include rectification of any damage to Grantee infrastructure resulting from prior coastal inundation unless part of the PGC approved scope.

The Grantee is responsible for:

- contracting as principal with, and managing, contractors (including but not limited to design, project management, supply and construction contractors) to complete the Capital Works in accordance with this Agreement; and
- project managing and constructing the Capital Works itself, but only to the extent (if any) the Grantee is approved to do each of those activities by the PGC;
- procuring all of the statutory approvals and consents required for the Capital Works and the Activity more generally; and
- ensuring that a priority outcome of the Activity is the delivery of additional employment and training opportunities for Torres Strait Islanders;
- ensuring all Grantee staff costs are appropriate and reasonable and are pre-approved by the PGC;
- ensuring that the design, construction and maintenance of the Capital Works:
 - is fit for place and purpose
 - utilises local materials where possible
 - is suitable for local labour, resources and skills
 - demonstrates value for money as outlined in the Program Implementation Plan and
 - is delivered to a high standard.

The Grantee is fully responsible for the performance of the Activity, including the design and performance of all of the works and the obtaining of all approvals required by law for the Activity.

The Grantee is also required to ensure that each Project is conducted in accordance with a cultural heritage agreement with each relevant Torres Strait Islander traditional owner party regarding the Site on which the Project is conducted. That agreement is to include a cultural survey of the Site by traditional owners, management arrangements for any cultural heritage identified within the Site and any cultural heritage finds during the completion of the Capital Works. It must also set out the basis on which the parties agree to address native title issues.

In addition, it is a condition of this Agreement that the Grantee also actively participates in a new Regional Infrastructure Advisory Group (RIAG) that the Trustee is establishing to provide strategic oversight on the delivery of infrastructure in the Torres Strait. The RIAG will comprise representatives of Gur A Baradharaw Kod Torres Strait Sea and Land Council, the Trustee, the Grantee, NIAA and QLD Government agencies and is required to meet at least quarterly per annum for the duration of this Activity and the MSA Project.

Program Governance Committee

The role of the Program Governance Committee (PGC) is described below and may be further detailed in the Program Implementation Plan.

The PGC provides high level governance and probity mechanism over Program Stages 1 and 2.

Key responsibilities of the PGC include:

- To oversee the scope and development of the seawalls program
- To approve program / project plans and finances
- To oversee the implementation of project plans and associated work programs
- Ensure the Program Manager fully briefs on all current and potential risks and opportunities in a timely manner which will enable stakeholders to quickly mitigate risks and/or maximize opportunities.
- To agree to any material change to the scope, schedule or quality of the Activity and its deliverables before that change is implemented
- To approve any changes to the scope, schedule and quality of the project
- No change may be made to the total amount of any Activity Budget without the PGC's prior written approval
- Coordinate media and communication in accordance with Torres Strait Island Regional Council (TSIRC), TSRA and DLGRMA protocols and requirements.
- Provide direction to the MIOP Trustee regarding program compliance
- Oversee the Program Manager / Trust Fund Manager
- Formulate policy as required
- Oversee monitoring, reporting and evaluation processes

PGC member agencies are:

- Department of Local Government, Racing and Multicultural Affairs (Chair)
- National Indigenous Australian Agency
- Torres Strait Regional Authority
- Torres Strait Island Regional Council
- Trust Fund Manager
- Program Manager
- Other Stakeholders as required.

The PGC will meet monthly or as required.

The PGC will meet monthly (or as it otherwise requires) to discuss the progress of the Activity, including consideration of reports, risks and risk mitigation, certification details, communications and other matters relating to the Activity. Decisions of the PGC will be made by TSRA, NIAA and the State Government.

The Grantee is a member of the PGC and must report to and participate in all meetings of the PGC regarding the Activity. The Grantee must ensure that an appropriately senior member of its personnel attends all PGC meetings and that the Grantee provides reporting and acquittal information to the PGC within the

prescribed timelines as described in this Agreement (as may be further detailed in the Program Implementation Plan).

Program Implementation Plan

The Grantee will be required to assist in the development of the Program Implementation Plan which must be approved by the PGC. The Program Implementation Plan may be updated with the prior written agreement of the PGC. The Program Implementation Plan must detail the additional requirements for, and procedures governing, the performance of the Activity and include a detailed Activity Budget for each Project, being the completion of the Capital Works on each Island. The Program Implementation Plan, and any variations to it, must be approved by the PGC before they take effect. The Grantee must comply with the Program Implementation Plan for the Activity.

Independent expertise in Coastal Inundation Mitigation

The Independent expertise in Coastal Inundation Mitigation (also referred to as Program Manager) is engaged by the Trustee. The role of the Program Manager is set out in this Agreement, including Part 1 of **Attachment C** to these Grant Details.

The Grantee must fully cooperate with the Program Manager.

Subject to any law that provides otherwise, the Grantee is not responsible to the Trustee under this Agreement for the acts or omissions of the Program Manager.

In House Bids

The Grantee may submit an in house bid (IHB) to undertake part of the Activity for the PGC's approval. In deciding whether to grant approval of an IHB, the PGC will have regard to, among other things, a value for money assessment of the IHB that is prepared by the Program Manager. That value for money assessment may use pricing benchmarks (including pricing for stage 1 of the Seawalls project) or the Program Manager may use a competitive process to inform its value for money assessment.

Program Management

The role of the Program Manager is as prescribed in the contract and Program Implementation Plan.

Responsibilities of Program Manager include:

- Oversee the Program and individual projects so that they are delivered in accordance with plans and budgets, achieve value for money, and that all works are fit for purpose and fit for place.
- Provide program, project and technical support and advice to the Program Governance Committee (PGC).
- Ensure the PGC is fully briefed on all current and potential risks and opportunities in a timely manner which will enable stakeholders to quickly mitigate risks and/or maximize opportunities.
- Identify and monitor any assumptions that have been made in the scoping, design and construction phases of the Program and projects and make recommendations where required to the PGC.
- Make recommendations to the PGC on how planning, budgeting and reporting systems can be improved and streamlined at a program and project level.
- Make recommendations to the PGC on the sequencing and aggregation of projects and components for efficiencies and value for money.
- Participate in tendering for the Project Manager(s).

- Participate in tender evaluation for construction contractor(s).
- Undertake capability assessment of all shortlisted tenderers.
- Identify other related matters i.e. other program/project roll outs in the Torres Strait which may provide opportunities/constraints for the Torres Seawalls Program Stage 2, e.g. other related infrastructure projects, accommodation availability.
- Undertake a robust risk assessment process at a program and individual project level
 - Surveys and land tenure including access issues, native title and sea claimants, development approvals, Indigenous Land Use Agreements.
 - Supplier abilities.
 - Contingency.
 - Environmental factors, weather, soil and marine conditions, contaminated and hazardous waste.
 - Building Industry Fairness (Security of Payment) Act 2017 (Qld).
 - Any other relevant project risks.
- Ensure compliance with relevant standards, accreditations etc.
- Assist PGC with media opportunities and related material,
- Certify the completion of milestones.
- Certify claim(s) for payment
- Manage and ensure compliance with Indigenous employment and procurement requirements

Project Manager(s)

The general roles and responsibilities (but not limited to) of the Project Manager(s) include:

- Be responsible for overseeing the design and approvals for each project
- Confirm project deliverables are produced to scope, schedule, and quality
- Monitoring and controlling each project management plan
- Minimising risk and preparing risk register and updating
- Providing status reports to TSIRC and the Program Manager
- Construction/contract administration and superintendency through guiding the Construction Workforce and specialist technical consultants to meet the program objectives
- Providing information to and cooperating with the Program Manager.
- Consulting with TSIRC and the Program Manager.

The brief for each project manager relevant for each project may vary significantly due to the different nature of each project and how it might be delivered. Therefore, TSIRC will agree on the Project Management scope and brief with the Program Manager and PGC prior to engagement.

Contractor(s)

The roles and responsibilities of this group include:

- Deliver the infrastructure works in a timely fashion in accordance with key project milestone dates
- Deliver and install materials / proposed infrastructure works in accordance with published design plans and specifications
- Manage and mitigate risk
- Ensure adequate workplace health and safety procedures are followed
- Manage environmental impacts of the works
- Ensure quality of works is in accordance with their published quality systems and project requirements
- Provide employment and training opportunities to local community members
- Liaise with the Project Manager and Program Manager

- Materials supply to be part of constructions contracts.

Where TSIRC deliver the works under an in-house bid, then the above requirements will apply.

Design

All engineering drawings for the Capital Works must be developed in accordance with Far North Queensland Regional Organisation of Council's guidelines and appropriate Australian Standards and certified by a Queensland-Registered Professional Engineer who has a 3rd party accredited quality system and conducts quality assurance of the drawings in accordance with that system.

Procurement

The Grantee must ensure that all procurement processes that it conducts for the Activity adhere to best practice procurement process and procedures in line with guidelines stipulated by:

- the Queensland Local Government Act
- the TSRA's Procurement Guidelines
- the Queensland Government Procurement Guidelines and
- the Grantee's relevant procurement guidelines and policies, including registration of interest, shortlist, tender call and tender assessment.

The Grantee must adopt the procurement processes set out in the Program Implementation Plan. Those processes include:

- the use of select tender processes to engage technical consultants for the Activity;
- the use of public open tender processes to establish appropriate construction methodologies, purchase materials and engage construction contractors; and
- compliance with relevant Grantee policies for the acquisition of construction materials.

The Grantee must permit the Program Manager to review the Grantee's proposed tender process and documentation for each Activity procurement and conduct all Activity procurement for the Activity in accordance with any advice provided by the Program Manager. The Grantee also agrees to have each proposed tender process and tender documentation for an Activity procurement endorsed by the PGC prior to the commencement of the procurement.

The Grantee is required to conduct sufficient due diligence on the financial and operational capabilities of all of its short-listed tenderers and their material sub-contractors to ensure that they have capacity to deliver the Activity in accordance with this Agreement, including the timeframes and milestones in **Attachment B** to the Grant Details and the Program Implementation Plan. If the Grantee considers that there is any risk of its preferred tenderer being delayed in its ability to perform a proposed contract, including due to COVID-19, the Grantee must seek the PGC's written agreement to the Grantee entering into that contract with the preferred tenderer before the Grantee does so.

Unless otherwise approved by the Trustee, the Grantee is required to ensure material supply contracts are part of construction contracts, i.e. not separate contracts. Regarding rock supply, the Grantee is required to ensure there are alternative supply options priced in contracts as 'if ordered options' if the primary supply is sourced from the Torres Strait.

If development application approvals are not in place prior to tendering, the Grantee must ensure that all construction tenderers agree to 120 days validity period for their tenders to allow for development application approval.

The Grantee must ensure that all contractors that it engages for the Activity:

- maintain adequate WH&S procedures for the Activity and comply with those procedures
- manage the environmental impacts of the Capital Works
- perform their contracts in accordance with the PGC-approved designs, plans and specifications for the Activity;
- complete the Capital Works in a timely fashion in accordance with the Activity timeframes in this Agreement and the Program Implementation Plan.

Construction

The Grantee must ensure that the Project Manager for a particular part of the Capital Works is on-site as required during the construction of those Capital Works and that the Project Manager ensures all construction activities and testing and reports to the Grantee and the Program Manager on any non-conformance with the Program Manager approved designs and requirements for the Capital Works, including in the Program Implementation Plan.

The Grantee must ensure that each construction contractor:

- provides, as part of its tender and any resulting contract, inspection and test plans detailing how the contractor will construct the Capital Works
- is required in its construction contract to submit regular quality assurance documentation to the Grantee, Project Manager and Program Manager

Defects Liability Period

At the end of the 'Defects Liability Period' (as defined in Supplementary Term CAP7), the Project Manager and Program Manager must inspect the Capital Works and provide a report to the Grantee and the Trustee, for provision to the PGC, on any defects identified, rectified and outstanding. The Grantee agrees to accept (or otherwise) the Capital Works in accordance with this report.

Financial Management

The Grantee acknowledges that costs associated with the Trustee's management of this Agreement, including the Trustee's Program Manager, Trust Fund Manager and legal adviser costs, may be initially paid for from the Grant principal but will ultimately be paid for using interest that the Trustee earns on the Grant amount before the Grant amount is paid to, or on behalf of, the Grantee under this Agreement.

Any variation to a line item of the Activity Budget for the Activity (whether set out in Supplementary Term CB2 or further detailed in the Program Implementation Plan) which (by itself or when added to any previous variation to that line item of that Activity Budget) must be approved in writing by the PGC (and the PGC may obtain the Program Manager's advice on the proposed Activity Budget change before deciding whether to approve it). All other more minor variations to a line item in the Activity Budget can be authorised by the Grantee with advice to the Trustee and the PGC (which must be minuted by the PGC at its next meeting). No change may be made to the total amount of any Activity Budget without the PGC's prior written approval.

The Grantee must prepare monthly milestone and expenditure reports (including projections) against the Activity Budget using the financial reporting template approved by the PGC. These milestone and expenditure reports will be submitted monthly to the Program Manager, the Trust Fund Manager and PGC for consideration and approval.

The Grantee must ensure that the available Activity Budget for each Project does not exceed available Grant funds. Any costs above available Grant funds must be met by the Grantee.

Indigenous Employment and Training

The Grantee agrees that Torres Strait Islander and Aboriginal employment is a key objective of this Activity and a key requirement for the construction of the Capital Works.

The Grantee must ensure that the Activity provides employment and development opportunities for Torres Strait Island and Aboriginal communities and businesses to the maximum extent possible.

It is a condition of this Agreement that in conducting this Activity the Grantee must work proactively with other entities such as Gur A Baradharaw Kod Torres Strait Sea and Land Council (GBK), Meriba Ged Ngapun Mab to strengthen opportunities for indigenous business, training and employment and to include Traditional owners in the Grantee's decision making for the duration of this Agreement.

The Activity must comply with the requirements of the Queensland and Commonwealth Governments' Indigenous Employment Policies and any further Indigenous employment and training requirements specified in the Program Implementation Plan.

The Grantee must identify accredited training opportunities for the Activity and must ensure that the resultant training programs are delivered through Registered Training Organisations where required.

The Grantee is required to report the necessary employment and training data to date in each Progress Report.

Consultation and Communication

The Grantee agrees to:

- act in accordance with the Communications and Public Relations Plan in the Program Implementation Plan to provide a clear, concise and coordinated approach to raise awareness of the Activity in the Torres Strait and
- implement the Communications and Public Relations Plan to ensure that each community understands the impacts of the Activity and
- provide information from time to time to update government agencies on outcomes and status of the Activity in Torres Strait Communities.

Variations to the Activity

The PGC must agree to any material change to the scope, schedule or quality of the Activity and its deliverables before that change is implemented. Material variations to the Capital Works are dealt with in Supplementary Term CA4. Variations to the Activity Budget are dealt with in the Financial Management section above.

Activity Performance Indicators		
The performance requirements that the Grantee must meet in performing the Agreement are set out in the following table. These measures must also be reported against as part of the reporting requirements in Item E of these Grant Details:		
Performance requirement	Performance Indicator Description	Target
Satisfactory progress of the Activity	Completion of the Capital Works in accordance with the milestones and timeframes specified in this Agreement and the Program Implementation Plan.	100% completion of the Capital Works in accordance with the Program Implementation Plan and this Agreement:

		Measured by timely completion of milestones and certification of works by the Program Manager.
Satisfactory management of the Grant	<p>The Activity proceeds within the Activity Budget as outlined in this Agreement and the Program Implementation Plan.</p> <p>Processes for payment and reconciliation of invoices are undertaken in accordance with the requirements in this Agreement, the Program Implementation Plan and any other processes specified by the PGC.</p>	<p>Measured according to:</p> <ul style="list-style-type: none"> - the requirements in the Agreement and the Program Implementation Plan - by comparing the forecast and actual expenditure of the Grant for the Activity against the Activity Budget and - by feedback from Trust Fund Manager and Program Manager on the timeliness and accuracy of information provided by the Grantee and its contractors including in relation to claims for Grant payments.
Statutory compliance	<p>Meet all applicable statutory requirements as outlined in the Program Implementation Plan.</p> <p>Any dispute regarding the Activity is managed in accordance with all statutory timeframes applying to the making or defending of claims under applicable legislation.</p>	<p>Grantee to demonstrate 100% of building and construction licencing and approval requirements are met. Also Native Title and applicable environment and heritage requirements.</p> <p>Measured by reference to statutory timeframes and the time taken to make or defend claims.</p>
Satisfactory reporting	<p>All reports are provided on or before their scheduled due dates in any format agreed with the Trustee and PGC and, if no format is specified, then in a format that provides all of the required information in a logical and easy to understand manner.</p> <p>Key Grantee personnel to attend all scheduled meetings of the PGC or other meetings with the Trustee.</p> <p>The Grantee's financial reports align with the Trust Fund Manager's accounts and requirements.</p>	<p>All reports are provided on or before their scheduled due dates and key Grantee personnel attend each scheduled meeting with the Trustee and PGC.</p> <p>Feedback from the Trust Fund Manager including on the timeliness of information provided by the Grantee and the extent to which Grantee's reports are consistent with the income and expenditure recorded by the Trust Fund Manager in the Trust Fund accounts.</p>

PGC satisfaction	The Trustee has a collaborative and effective working relationship with the PGC including in regard to the delivery of the Activity.	Trustee to seek the views of the PGC regarding their satisfaction with the Grantee's and its contractors' performance of the Activity.
Employment, Training and Consultation	The Activity must comply with the requirements of the Program Implementation Plan, which requires that an agreed percentage of the total labour hours must be undertaken by an Indigenous workforce to be recruited from the local community, and that half of these hours must involve accredited training that leads to a nationally accredited qualification.	<p>Each progress report required under Item E of these Grant Details must contain data on the following:</p> <ul style="list-style-type: none"> - the number of Indigenous people employed - the number of hours worked by the Indigenous workforce and - the number of training certifications and apprenticeships achieved and/or being undertaken by Indigenous people. <p>If these targets are not being met, an explanation must be provided as part of the progress report.</p>
Public Relations	The Grantee and the Project Managers must comply with the Communications and Public Relations Plan as set out in the Program Implementation Plan.	All Communications and Public Relations Plan are managed in accordance with the Program Implementation Plan.
Risk Management	The Grantee and the Project Managers must report all risks including any potential or actual litigation relating to the Activity and perceived risks to the Program Manager and the PGC in a timely manner.	<ul style="list-style-type: none"> - Risk management matrix is up to date. - Projects risks are identified and mitigated strategically

C. Duration of the Grant

The Activity (and Activity Period) starts on 1st November 2019 which is the **Activity Start Date**.

The Activity (and the Activity Period) ends on the completion of the Activity's final Designated Use Period, which is the **Activity Completion Date**.

The Agreement ends on the Agreement End Date.

The milestones for the Activity are set out at Attachment C to the Agreement and are further detailed in the Program Implementation Plan.

D. Payment of the Grant

The maximum amount of the Grant is \$40,000,000 (GST exclusive) and comprises:

- the completion of the Capital Works on Boigu and Poruma in accordance with the Program Implementation Plan for those Capital Works; and
- the completion of the remaining Capital Works on Iama, Masig and Warraber in accordance with the Program Implementation Plan for those Capital Works.

The Trustee is not liable under this Agreement to pay any monies in excess of this Grant amount.

The Trustee is not liable to make any payments under this Agreement in respect of a Project until and unless the PGC has approved an Program Implementation Plan for the Activity that contains the detailed requirements, and detailed Activity Budget, for that Project.

In accordance with the Trust arrangements, the Grantee acknowledges and agrees that the Trustee may, on behalf of the Grantee, pay some or all of the Grant to a contractor of the Grantee, for work that the contractor has completed for the Grantee in respect of the Activity, in lieu of the Trustee paying that Grant amount to the Grantee.

Where the Grant is paid directly to the Grantee, it will be paid into the Grantee's following bank account:

<i>Bank name</i>	<i>National Australia Bank</i>
<i>Account name</i>	<i>TSIRC GF</i>
<i>BSB</i>	<i>084 951</i>
<i>Account number</i>	<i>75 243 4776</i>

The Grant will be paid in instalments by the Trustee upon completion of the agreed Milestones in accordance with this Agreement and subject to the Grantee's compliance with the Activity Budget and its obligations under this Agreement. Instalments are paid against certified and approved claims. At the sole discretion of the Trustee and PGC, part of the instalments may be paid upon execution of contractor and supplier contracts.

The Grantee must, within a timeline specified by the PGC:

- submit to the PGC for approval, a forecast milestone plan for each island
- submit to the PGC for approval, a schedule that actual and forecasts claims, amounts and timelines that have/ will be submitted to the PGC for payment

A Grant instalment will not be paid until and unless:

- the Program Manager has certified the relevant claim for payment as correct (and the services, supplies or works to which the claim relates as properly completed) and the PGC has approved the payment of that claim; and
- the Program Manager has accepted, and the PGC has accepted, all reports due prior to the date the relevant Grant payment is due.

Once the Program Manager has certified a claim for payment, the Program Manager will provide a copy of the claim to the PGC, Trustee and Trust Fund Manager.

The Trustee and the PGC may delegate some or all of their right to approve a claim for payment to the Program Manager and that delegation may be subject to conditions and limitations as the Trustee and/or PGC respectively consider appropriate.

The Trustee (or the Program Manager if so delegated) shall ensure that:

- a) claims for payment shall be certified and approved promptly, and returned to the Grantee within 7 days of receipt, or
- b) claims for payment that are incorrect or incomplete, shall be promptly notified to the Grantee within 7 days of receipt. The notification shall identify all items deemed to be incorrect or incomplete, and once rectified must be resubmitted for Program Manager certification and then PGC approval of the claim for payment.

Notwithstanding any other provision of this Agreement, a Grant amount will only be payable from the Trust if, and to the extent, an equivalent amount has been paid into the Trust for the purpose of the Activity.

Subject to the Grantee's compliance with this Agreement, payments will be made within 7 days after the above certification and approval of the relevant claim.

Milestones	Anticipated date	Grant Amount (excl. GST)
On signature of this initial Capital Works Grant Agreement.	1/11/19	\$1,500,000
As per Grantees schedule of forecasts claims	As per Grantees schedule approved by the PGC	As per Grantees schedule approved by the PGC

Invoicing

Each Grant payment will be made following satisfactory completion of the relevant Activity milestone in accordance with this Agreement and either:

- a. for work undertaken by a Grantee contractor – the Grantee must ensure the contractor submits a correctly rendered invoice for that work by the Grantee's contractor to the Program Manager on behalf of the Grantee which notes the Grantee's ABN. If satisfied with the invoice and the work to which it relates, the Program Manager will certify the invoice and provide it to the PGC for its approval in accordance with this Agreement; or
- b. for work undertaken by the Grantee itself – the Grantee must submit a correctly rendered invoice for that work by the Grantee to the Program Manager which notes the Grantee's ABN. If satisfied with the invoice and the work to which it relates, the Program Manager will certify the invoice and provide it to the PGC for its approval in accordance with this Agreement.

In paragraph a. above, the Trustee is paying, on the Grantee's behalf, the Grant amount to the Grantee's contractor instead of paying that amount directly to the Grantee.

The Grantee must ensure that each claim for payment is addressed to:

Torres Strait Major Infrastructure and Other Projects Trust Fund
On behalf of TSIRC ABN 15 292 645 165
C/-Torres Strait Island Regional Council PO Box 7336
Cairns QLD 4870

E. Reporting and record keeping

In addition to the financial reports required in clause 10 of Schedule 1, the Grantee agrees to create the following reports and to provide the reports to the Trustee and the PGC as set out below.

Progress Report

The Grantee must provide Progress Reports to the PGC as detailed below:

- (a) Monthly milestone updates and cash flow forecasts for each of the five targeted islands
- (b) Detailed reports on a six monthly basis (30 June and 31 December or as prescribed by the PGC) until 6 months after the expiry of the Activity's final Defect Liability Period. These Progress Reports must contain:
- (c) details of the Activity's progress and performance to date and evidence (including Program Manager certification and photographs) of completion of all Activity milestones (including those in this Agreement and any in the Program Implementation Plan) that were due for completion during the period between the previous Progress Report and the due date of this Progress Report (or in the case of the first Progress Report, the period commencing on the earlier of the Activity Start Date and the due date of the first Progress Report);
- (d) details of the Activity's progress against the Activity Performance Measures specified at Item B of these Grant Details;
- (e) evidence that appropriate tenders awarded and contractors appointed in line with this Agreement and the Program Implementation Plan
- (f) details of mitigating circumstances and remedial action undertaken in the event an Activity Milestone is not met or completed in the required manner and/or by the time specified
- (g) copies of any published reports, promotional material, media publicity, pamphlets or other documentation relevant to the Activity
- (h) \$ Value of local business procurement
- (i) Indigenous Employment hours
 - Indigenous Employment
 - Potential case studies

The Progress Report must be in the form, and contain the information, specified by the Trustee using any reporting template that the Trustee provides. If the Trustee does not specify a template, then the Grantee must use a reporting format that provides all of the required information in a logical and easy to understand manner. It must include a certification from the Program Manager as to the progress made and any milestones partially or fully completed as set out in this Agreement and Program Implementation Plan.

Final Report

The Grantee must provide the Final Report within **6 months** after the expiry of the Activity's final Defect Liability Period. This Final Report must contain:

- (a) evidence that all of the Activity's Capital Works (as described in this Agreement and the Program Implementation Plan) have been completed and all approvals required to enable public access and use of the Capital Works have been met, all defects have been rectified and the Capital Works are fully operational
- (b) a brief summary of the work undertaken for the Activity
- (c) financial report showing the final reconciliation of funds for the entire Activity
- (d) an analysis of the planning, implementation and overall process the Grantee followed to deliver the Activity
- (e) any recommendations on improved practice that may assist in the delivery of future projects
- (f) evidence that the employment and training opportunities targets for the Activity have been met
- (g) a copy of the Asset register and Real Property register; and
- (h) copies of any published reports, promotional material, media publicity, pamphlets or other documentation relevant to the Activity that have not already been included in the Progress Reports.

The Final Report is to be provided in any format agreed with the Trustee and otherwise in a format that provides all of the required information in a logical and easy to understand manner.

F. Party representatives and address for notices

Grantee's representative and address

[Name]	David Baldwin
[Position]	Chief Engineer
Postal/physical address(es)	PO Box 7336, Cairns 4870
Business hours telephone	0409 600 666
Mobile	0409 600 666
E-mail	david.baldwin@tsirc.qld.gov.au
[Alternative contact]	Adeah Kabai

Trustee's representative and address

[Name]	Kerry Vizcarra Dixon
[Position]	Project Manager - Infrastructure, Grants, Policy and Partnership Healthy Communities & Safe Communities

Postal/physical address(es)	<i>Postal address: PO Box 261, Thursday Island QLD 4875</i> <i>Physical address: Level 1 Torres Strait Haus, 46 Victoria Parade, Thursday Island QLD 4875</i>
Business hours telephone	<i>(07) 4069 0714</i>
Mobile	<i>0427 176 531</i>
E-mail	<i>kerry.dixon@tsra.gov.au</i>
<i>[Alternative contact]</i>	

The Parties' representatives will be responsible for liaison and the day-to-day management of the Grant, as well as accepting and issuing any written notices in relation to the Grant or this Agreement.

G. Activity Material

The Activity Material for this Activity includes:

All drawings and designs for the Capital Works

H. Capital Works Particulars

These Capital Works Particulars must be read in conjunction with the Standard Grant Conditions.

Related clause	Details
The definitions in Standard Grant Conditions clause 20	The Capital Works are described in Attachment A to the Grant Details and further detailed in the Program Implementation Plan.
The definitions in Standard Grant Conditions clause 20	The Sites are set out in Attachment B to the Grant Details and further detailed in the Program Implementation Plan
The definitions in Standard Grant Conditions clause 20	<p>The Designated Use is the protection of each Island from tidal inundation and coastal erosion.</p> <p>The Designated Use Period for each Project's Capital Works is 20 years after those Capital Works achieve practical completion in accordance with Supplementary Term CAP7.</p>
The definitions in Standard Grant Conditions clause 20	The Real Property is defined in clause 20.
Supplementary Term CAP1	<p>The Grantee is responsible for obtaining all of the native title, development and environmental and other statutory consents and approvals required for the Activity.</p> <p>Native title consents will preferably be obtained in the form of an Indigenous Land Use Agreement but if the Activity schedule</p>

Related clause	Details
	<p>requires, the PGC may agree to the consent being given under section 24KA or section 24HA of the <i>Native Title Act</i> (Cth).</p> <p>Environmental and cultural heritage approvals required include:</p> <ul style="list-style-type: none"> - a prescribed tidal works approval and, if the Activity schedule requires, application of the emergency works provisions in the <i>Sustainable Planning Act</i> (Qld) issued by Qld Department of Environment and Science (DES);- Cultural Heritage Plan as per the requirement of the <i>Torres Strait Islander Cultural Heritage Act 2003</i> managed by State Government's Department of Aboriginal and Torres Strait Islander Partnerships (DATSIP). <p>Further information about the approvals required and date by which evidence of Approval is required are set out in the Grant Details (including Attachments B and C to the Grant Details) and the Program Implementation Plan</p>
Supplementary Term CAP2.2(a)	<p>Preconditions to commencement: None specified for Boigu or Poruma.</p> <p>Any preconditions for the other Islands will be specified in the Program Implementation Plan.</p>
Supplementary Term CAP2.2(b)	<p>The date the construction of the Capital Works is to commence as specified in this Agreement or the Program Implementation Plan.</p>
Supplementary Term CAP6.1	<p>The Date for Practical Completion for the Capital Works on each Torres Strait island is as follows:</p> <p>Boigu island – 30 June 2021</p> <p>Poruma island – 30 June 2021</p> <p>Iama Island – December 2022</p> <p>Masig – December 2022</p> <p>Warraber – November 2023</p> <p>The Date for Practical Completion of the Capital Works on the other Islands is specified in the Program Implementation Plan. These dates may be varied with PGC approval.</p>
Supplementary Term CAP7.1	<p>Subject to the alternative dates specified in Supplementary Term CAP7.1, the date on which the Defects Liability Period ends for the Capital Works on each Island is 12 months after the date that the main works component of the Capital Works on that island achieves practical completion under Supplementary Term CAP 6 .</p> <p>The “main works” is the construction of all of the Capital Works</p>

Related clause	Details
	for a Project other than the “ancillary works” specified for that Project in Attachment B.
Supplementary Term CAP8.2	<p>Disallowed outgoings:</p> <p>1. Grantee staffing costs unless pre-approved by the PGC. Pre-approved Grantee staffing costs include the following:</p> <ul style="list-style-type: none"> • Project management costs (for those portions of a Project that are managed by the Grantee as agreed by the PGC) • Contract management and site management costs for the construction works as agreed by the PGC • Supervision and work crew costs (for those portions project managed by the Grantee as agreed with the PGC). • Program Manager will certify staffing costs are reasonable and in line with the project activity. <p>2. Delay costs relating to Project contracts that are entered into during COVID-19 without the Trustee’s and the PGC’s prior written agreement. Grantee must work with the Program Manager to assess these risks and will advise PGC of any risks in a timely manner.</p>
Supplementary Term CAP8.5	<p>The Real Property Register contains the following information:</p> <p>(a) Real Property description;</p> <p>(b) acquisition, upgrade or creation price or total lease cost;</p> <p>(c) date of acquisition, creation, upgrade or lease;</p> <p>(d) if leased, type and term of lease and location of Real Property;</p> <p>(e) date of disposal;</p> <p>(f) disposal method; and</p> <p>(g) if the Real Property was partly created, acquired or upgraded using the Grant, the proportion that was paid for with the Grant.</p>

I. Insurance

The Grantee must have the following insurances:

- Public liability insurance in the amount of \$10 million per claim;

- Insurance to cover damage to or the replacement of all of the Capital Works until the end of the relevant Designated Use Period; and (What is in the Contract Document?)
- The insurance specified in Supplementary Term CAP8.5(c).

The Grantee must ensure that there is adequate and comprehensive insurance of all Capital Works either by contractor and or agent through all phases of the design, construction and defects and liability periods.

Supplementary Terms from Clause Bank

The numbering of the Supplementary Terms is not required to be consecutive.

CB1. Other Contributions

The Australian Government, State Government, the Grantee and any third party is able to make a financial or in-kind contribution at the approval of the Trustee provided that those contributions are not spent on the Activity until they are reflected in the Activity Budget in the Program Implementation Plan.

CB2. Activity Budget

CB2.1 The Grantee agrees to only use the Grant and any Other Contributions to undertake the Activity in accordance with the Program Implementation Plan.

CB3. Access/Monitoring/Inspection

CB3.1 The Grantee agrees to give the Trustee, or any persons authorised in writing by the Trustee and or PGC:

- (a) access to premises where the Activity is being performed and/or where Material relating to the Activity is kept within a reasonable time period specified in a notice by the Trustee; and
- (b) permission to inspect and take copies of any Material relevant to the Activity.

CB3.2 The Auditor-General and any Information Officer under the *Australian Information Commissioner Act 2010* (Cth) (including their delegates) are persons authorised for the purposes of Supplementary Term CB3.1.

CB3.3 This Supplementary Term CB3 does not detract from the statutory powers of the Auditor-General or an Information Officer (including their delegates).

CB4. Assets

CB4.1 In this Agreement, **Asset** means any item of property purchased, leased, created or otherwise brought into existence wholly, or in part, with the use of the Grant, with a GST inclusive value at that time of \$10,000 or more, excluding Activity Material and Reporting Material, Intellectual Property Rights and Real Property (including any property once it becomes part of Real Property).

CB4.2 The Grantee agrees to obtain the prior written approval of the Trustee to use the Grant to purchase any Asset, apart from those listed in the Activity Budget.

CB4.3 Unless otherwise agreed in writing by the Trustee, the Grantee must ensure that it owns any Asset acquired in whole or in part using the Grant.

CB4.4 For the term of the Agreement, in relation to any Asset, the Grantee agrees to:

- (a) use the Asset solely for the purposes of the Activity;
- (b) not encumber, grant a security interest over or dispose of the Asset without the Trustee's prior written approval;
- (c) hold the Asset securely and safeguard it against theft, loss, damage, or unauthorised use;
- (d) maintain the Asset in good working order;
- (e) ensure the Asset is properly insured for its full replacement value; and
- (f) obtain and maintain all required registrations and licences for the Asset.

CB4.5 The Grantee agrees to maintain a register of all Assets at the time of the Asset's purchase, lease or creation in the form specified below and to provide the register to the Trustee upon request.

CB4.6 The Grantee agrees that the proceeds from the sale of any Asset disposed of during the term of the Agreement must be treated as part of the Grant and used for the purposes of the Activity.

CB4.7 If an Asset is lost, damaged or destroyed then, unless otherwise agreed in writing by the Trustee, the Grantee agrees to ensure that the Asset is promptly repaired, replaced or otherwise reinstated. This Supplementary Term CB4 continues to apply to the reinstated Asset.

CB4.8 On the expiration or termination of the Agreement, the Grantee agrees to transfer any Asset to the Trustee or a third party nominated by the Trustee or otherwise deal with the Asset as directed by the Trustee.

CB5. Trustee Material, facilities and assistance

CB5.1 Not applicable.

CB6. Jurisdiction

CB6.1 This Agreement is governed by the law of Queensland.

CB7. Grantee trustee of Trust

CB7.1 Not applicable

CB8. Fraud

CB8.1 In this Agreement, **Fraud** means dishonestly obtaining a benefit, or causing a loss, by deception or other means, and includes alleged, attempted, suspected or detected fraud.

CB8.2 The Grantee must ensure its personnel and subcontractors do not engage in any Fraud in relation to the Activity.

CB8.3 If the Grantee becomes aware of:

- (a) any Fraud in relation to the performance of the Activity; or
- (b) any other Fraud that has had or may have an effect on the performance of the Activity;

then it must within 7 days report the matter to the Trustee and all appropriate law enforcement and regulatory agencies.

CB8.4 The Grantee must, at its own cost, investigate any Fraud referred to in Supplementary Term CB8.3 in accordance with the Australian Government Investigations Standards available at www.ag.gov.au.

CB8.5 The Trustee may, at its discretion, investigate any Fraud in relation to the Activity. The Grantee agrees to co-operate and provide all reasonable assistance at its own cost with any such investigation.

CB8.6 This Supplementary Term CB8 survives the termination or expiry of the Agreement.

CB9. Anti-corruption

CB9.1 In this Agreement, **Illegal or Corrupt Practice** means directly or indirectly:

- (a) making or causing to be made, any offer, gift, payment, consideration or benefit of any kind to any party, or
- (b) receiving or seeking to receive, any offer, gift, payment, consideration or benefit of any kind from any party, as an inducement or reward in relation to the performance of the Activity, which would or could be construed as an illegal or corrupt practice.

CB9.2 The Grantee warrants that the Grantee, its officers, employees, contractors, agents and any other individual or entity involved in carrying out the Activity have not engaged in an Illegal or Corrupt Practice.

CB9.3 The Grantee agrees not to, and to take all reasonable steps to ensure that its officers, employees, contractors, agents and any other individual or entity involved in carrying out the Activity do not:

- (a) engage in an Illegal or Corrupt Practice; or
- (b) engage in any practice that could constitute the offence of bribing a foreign public official contained in section 70.2 of the *Criminal Code Act 1995* (Cth).

CB9.4 The Grantee agrees to inform the Trustee within 7 days of the Grantee becoming aware of any activity as described in Supplementary Term CB9.3 in relation to the performance of the Activity.

CB10. Step-in rights

CB10.1 If:

- (a) the Trustee issues a notice under clause 2.2;
 - (b) an event in clause 19.3.1 occurs; or
 - (c) the Grantee requests that the Trustee exercise its rights under this Supplementary Term,
- the Trustee may, at its discretion, give a notice to the Grantee that the Trustee intends to exercise its rights under this Supplementary Term CB10 and the date from which this notice will take effect (**Step In Notice**).

A Step in Notice issued under Supplementary Term CB10.1(a) or (b) shall include:

- (a) The issue or non-compliance forming the basis for the notice including reference to the appropriate terms of the contract;
- (b) The steps the Grantee can take to address those issues or non-compliances; and

- (c) A reasonable timeframe for the Grantee to undertake those steps, prior to the Step In Notice taking effect.

CB10.2 From the date specified in the Step-in Notice:

- (a) other than as directed by the Trustee, the Grantee will cease being responsible for the performance of the Activity;
- (b) the Trustee may, acting on its own behalf or through a nominee, take any step to manage the Activity that is reasonably necessary as determined by the Trustee and having regard to the trigger event(s) giving rise to the relevant Step-in Notice;
- (c) the Trustee's obligation to pay the Grant is suspended; and
- (d) the Grantee agrees to provide all reasonable assistance and comply with any direction of the Trustee to enable the Trustee to exercise its rights under this Supplementary Term CB10 and manage the Activity.

CB10.3 The Trustee may withdraw the Step-in Notice if in the Trustee's reasonable opinion:

- (a) the circumstances giving rise to the trigger event have ceased or are able to be appropriately managed by the Grantee; and
- (b) the Grantee will otherwise be able to comply with its obligations under this Agreement.

CB10.4 The Trustee will by written notice advise the Grantee of:

- (a) the date when the Step-in Notice will be withdrawn and the Grantee will resume responsibility for the Activity; and
- (b) the amount by which the Grant will be reduced, which will be proportionate to the costs incurred by the Trustee in exercising its rights under this Supplementary Term.

CB11. Indemnity

CB11.1 In this Supplementary Term CB11, an "**Indemnified Party**" is the TSRA (in both its ordinary and Trustee capacities), the Commonwealth and the State Government and includes their respective officers, employees and contractors involved in administering the Activity.

CB11.2 The Grantee indemnifies each Indemnified Party against any claim, injury, loss or damage (including those set out in Supplementary Term CB11.3) caused by the circumstances set out in Supplementary Term CB11.4.

CB11.3 The claims, losses, and damages which the Grantee indemnifies each Indemnified Party against include:

- (a) loss or damage to the Indemnified Party's property;
- (b) injury or death of an Indemnified Party; and

- (b) loss or expense in dealing with any claim against the Indemnified Party (including legal costs on a solicitor/own client basis, the cost of time spent, resources used and disbursements paid).

CB11.4 For the purposes of Supplementary Term CB11.2, the Grantee indemnifies each Indemnified Party in circumstances in which the claim, loss or damage incurred by the Indemnified Party was caused by:

- (a) any act or omission in carrying out the Agreement where the Grantee (or a contractor of the Grantee) was at fault;
- (b) the Grantee's breach of the Agreement;
- (c) any unlawful act of the Grantee or a contractor of the Grantee; or
- (d) the use of material prepared by the Grantee or a contractor of the Grantee and provided to an Indemnified Party for the purpose of the Activity.

CB11.5 The Grantee's obligation to indemnify each Indemnified Party will reduce proportionally to the extent that any act or omission involving fault on the part of that Indemnified Party contributed to the claim, loss or damage.

CB12. Compliance with Legislation and policies

CB12.1 In this Agreement, **Legislation** means a provision of a statute or subordinate legislation of the Trustee, or of a State, Territory or local authority

CB12.2 The Grantee agrees to comply with all Legislation applicable to its performance of this Agreement.

CB12.3 The Grantee agrees, in carrying out its obligations under this Agreement, to comply with any of the Trustee's policies as notified, referred or made available by the Trustee to the Grantee (including by reference to an internet site).

CB12A Appropriately qualified personnel

CB12A.1 The Grantee agrees to ensure that all personnel performing work in relation to the Activity:

- (a) are appropriately qualified to perform that work; and
- (b) have obtained all reasonably required qualifications, licences, permits, approvals and skills for the performance of the work before it is performed including, where relevant to the position, appropriate engineering qualifications and skills ; and
- (c) maintain those qualifications, licences, permits, approvals and skills for the duration of their work in relation to the Activity.

CB13. Work health and safety

CB13.1 The Grantee agrees to ensure that it complies at all times with all applicable work health and safety legislative and regulatory requirements and any additional work health and safety requirements set out in Item B of the Grant Details.

CB13.2 If requested by the Trustee, the Grantee agrees to provide copies of its work health and safety management plans and processes and such other details of the arrangements it has in place to meet the requirements referred to in this Supplementary Term CB13.

CB13.3 When using the Trustee's premises or facilities, the Grantee agrees to comply with all reasonable directions and procedures relating to work health and safety and security in effect at those premises or facilities, as notified by the Trustee or as might reasonably be inferred from the use to which the premises or facilities are being put.

CB14. Counterparts

CB14.1 This Agreement may be executed in any number of counterparts. All counterparts, taken together, constitute one instrument. A Party may execute this Agreement by signing any counterpart.

CB15. Rollover of surplus and uncommitted funds

CB15.1 The PGC can approve the use of any surplus and or uncommitted funds from Boigu and Poruma projects for other works on either Masig, Iama and or Warraber.

CB16. Secret and Sacred Indigenous Material

CB16.1 In this Supplementary Term:

Aboriginal Person has the same meaning given in the *Aboriginal and Torres Strait Islander Act 2005* (Cth);

Aboriginal Tradition has the meaning given in the *Aboriginal and Torres Strait Islander Heritage Protection Act 1984* (Cth);

Indigenous Person means a person who is or identifies and is accepted as an Aboriginal Person or a Torres Strait Islander;

Secret and Sacred Indigenous Material means all information, knowledge or Material of special spiritual, cultural or customary significance which is considered to be sacred or of significance by an Indigenous Person or according to Indigenous Tradition; and

Torres Strait Islander has the same meaning given in the *Aboriginal and Torres Strait Islander Act 2005* (Cth).

CB16.2 The parties agree that, for the purposes of this Agreement:

- (a) the definition of Activity Material in clause 20 excludes any Secret and Sacred Indigenous Material;
- (b) the definition of Reporting Material in clause 20 excludes any Secret and Sacred Indigenous Material;
- (c) the record keeping requirements in clause 10 do not apply to any Secret and Sacred Indigenous Material; and
- (d) any Secret and Sacred Indigenous Material is the confidential information of the relevant Indigenous Person or Indigenous community.

CB16.3 The Grantee agrees to inform the Trustee of the existence of Secret and Sacred Indigenous Material relevant to the performance of the Activity which is not disclosed to the Trustee due it being Secret and Sacred Indigenous Material.

CB17. Additional circumstances in which a Grant amount may be withheld

CB17.1 For the purpose of clause 2.2(d) of the Standard Grant Conditions, the additional circumstances in which the Trustee may by notice withhold payment of any amount of the Grant and/or take any other action specified in the Supplementary Terms are:

- (a) where the Grantee has not demonstrated to the satisfaction of the PGC that it has spent all of the previous Grant amounts paid to the Grantee under this Agreement.

CB18. Additional events that may cause the Agreement to be terminated

CB18.1 For the purpose of clause 19.3.1(d) of the Standard Grant Conditions, the additional events giving the Trustee a right to terminate this Agreement are:

- (a) the Grantee failing to meet its obligations or deliver its responsibilities as prescribed in this Agreement following the period specified in a "show cause" notice issued by the Trustee.
- (b) the Trustee or the PGC considers that a report remains unsatisfactory 3 months after it was first submitted by the Grantee;
- (c) the Program Manager has advised it is unable to certify any part of the Activity or invoice or claim for payment 3 months after that part of the Activity was completed or that claim was submitted; or
- (d) the PGC requires the Grantee to appoint an external Project Manager for the Activity and the Grantee does not so within the time specified by the PGC or the Grantee fails to cooperate with that Project Manager or the Program Manager.

CAP1. Approvals

CAP1.1 The Grantee agrees to obtain all Approvals, including any specified in the Capital Works Particulars, necessary to commence and perform the Activity in accordance with this Agreement and must deliver a copy of satisfactory written evidence of each Approval to the Trustee by any date(s) specified in the Capital Works Particulars.

CAP1.2 If the Grantee does not obtain the necessary Approvals in accordance with Supplementary Term CAP1.1, the Trustee may, at its sole discretion:

- (a) withhold payment of any amount of the Grant in accordance with clause 2; or
- (b) terminate this Agreement in accordance with clause 19.

CAP2. Commencement

CAP2.1 In this Supplementary Term, **Force Majeure Event** means a circumstance or event which was not contemplated by the Grantee and which could not reasonably have been foreseen by the Grantee at the Activity Start Date, and is beyond the Grantee's reasonable control, including acts of God, war, terrorism or other hostility, natural or international disaster, fire, explosion, power failure, strike or lockout, but does not include circumstances caused by acts or omissions of the Grantee or its officers, employees, subcontractors or agents.

CAP2.2 The Grantee agrees to:

(a) comply with any preconditions to commencing construction of the Capital Works specified in the Capital Works Particulars; and

(b) commence the construction of the Capital Works by the date specified in the Capital Works Particulars,

unless the Trustee and PGC agree otherwise in writing or the Grantee is prevented by a Force Majeure Event.

CAP2.3 The Grantee agrees to provide written notification to the Trustee or the Program Manager that the construction of the Capital Works have commenced within 7 days of that commencement.

CAP2.4 If the construction of the Capital Works has not commenced in accordance with Supplementary Term CAP2.1, the Trustee may, at its sole discretion:

(a) give the Grantee notice requiring the Grantee to repay any amount of the Grant that has been paid in accordance with clause 11.2;

(b) withhold payment of any amount of the Grant in accordance with clause 2; or

(c) terminate this Agreement in accordance with clause 19.

CAP3. Construction standards

CAP3.1 The Grantee agrees to ensure that:

(a) those aspects of the Capital Works that require qualified personnel, are carried out by people who are qualified tradespeople or professionals who:

(i) use workmanship of a standard consistent with the best industry standards and practice for work of a similar nature; and

(ii) are registered with the relevant Australian state, territory or national accreditation bodies that regulate the activities of members of that particular trade or profession in Queensland;

(b) all activity relating to the Capital Works is carried out in accordance with, and the Capital Works comply with, all legal requirements and relevant standards applicable to the building, construction or fit-out being undertaken;

(c) all materials used in the Capital Works comply with any requirements set out in this Agreement and are of merchantable quality, fit for their purpose and consistent with the nature and character of the Capital Works; and

(d) the Capital Works comply with all relevant standards of Standards Australia.

CAP4. Material variations to the Capital Works

CAP4.1 The Grantee agrees not to vary, or enter into any agreement to vary, the Capital Works in any material way without the prior written consent of the Trustee and the PGC.

CAP4.2 For the purposes of Supplementary Term CAP4.1, a variation to the Capital Works will be material if it would, or might reasonably be expected to, have an effect on the:

(a) total price of the Capital Works;

- (b) the Activity Budget for the Program or any Project beyond the Activity Budget variations that the Grantee is permitted to make as outlined in the Financial Management section of the Grant Details;
- (c) timeframes for completion of the Capital Works
- (d) fitness of the completed Capital Works for the Designated Use;
- (e) Approvals obtained in relation to the Capital Works or Activity generally; or
- (f) location of the Capital Works or the Activity generally.

CAP5. Latent Conditions and other Site conditions

CAP5.1 In this Supplementary Term CAP5:

- (a) **Latent Condition** means any ground conditions at the Site where the Activity is to take place, excluding ground conditions resulting from inclement weather, which differ materially from those which should have been anticipated by a prudent, competent and experienced professional; and
- (b) **Other Condition** means another condition existing or becoming apparent at a Site, and includes a ground condition resulting from inclement weather but excludes a Latent Condition.

CAP5.2 Prior to commencing the Capital Works, the Grantee agrees to ensure that:

- (a) the Site is suitable for carrying out the Activity; and
- (b) it has made reasonable enquiries to ascertain that there are no Latent Conditions or Other Conditions that may affect the Grantee's ability to perform or complete the Activity in accordance with this Agreement.

CAP5.3 If, at any time during the performance of the Activity, a Latent Condition or Other Condition is discovered at the Site that may affect the performance or completion of the Activity, the Grantee agrees to:

- (a) immediately notify the Trustee and PGC;
- (b) give the Trustee and PGC any details it reasonably requires as to the Latent Condition or Other Condition, its causes, and its anticipated effect on the Activity;
- (c) allow the Trustee and PGC, and any person the Trustee nominates, access to the Site at all reasonable times to inspect and investigate the Latent Condition or Other Condition; and
- (d) take all steps necessary to avoid (or, if the condition cannot be avoided, to mitigate) the impacts of the Latent Condition or Other Condition on the performance and completion of the Activity.

CAP5.4 The Trustee may direct the Grantee to vary the Activity to overcome any Latent Condition or Other Condition at the Site that would or may adversely affect the Grantee's ability to perform or complete the Activity in accordance with this Agreement or otherwise comply with this Agreement. Any such direction does not limit the rights of the Trustee under Supplementary Term CAP5.5.

CAP5.5 In the event of a Latent Condition or Other Condition referred to in Supplementary Term CAP5.3:

- (a) the Grantee agrees that all steps the Grantee takes (and that any third party takes on the Grantee's behalf), without the approval of the Trustee, to avoid or mitigate the impacts of the Latent Condition or Other Condition in accordance with Supplementary Term CAP5.3(d) are entirely at the Grantee's own risk and expense and will not be paid for using any of the Grant; and

(b) the Trustee may, at any time following the identification of the Latent Condition or Other Condition, terminate this Agreement under clause 19 if the Trustee considers that:

- (i) the impacts of the Latent Condition or Other Condition cannot be avoided or mitigated cost effectively in a way that will enable the relevant Capital Works to be completed by the relevant Date for Practical Completion and in accordance with this Agreement; or
- (ii) the Grantee failed to avoid or mitigate the impacts of the Latent Condition or Other Condition in accordance with Supplementary Term CAP5.3(d) within a reasonable time.

CAP5.6 The Trustee's termination of this Agreement under Supplementary Term CAP5.5(b) does not limit the Grantee's obligations under Supplementary Term CAP5.3.

CAP5.7 The Trustee's termination of this Agreement under Supplementary Term CAP5.5(b) does not limit the Trustee's obligation to cover the reasonable costs for winding up the works including demobilisation and contract finalisation.

CAP6. Practical completion

CAP6.1 The Grantee agrees to ensure that the Capital Works on a Torres Strait island achieve practical completion in accordance with Supplementary Term CAP6.2 on or before the Date for Practical Completion set out in the Capital Works Particulars for that island.

CAP6.2 To achieve practical completion:

(a) the Capital Works must be:

(i) complete and free from Defects, except for those that:

- (A) are of a minor nature;
- (B) it is not reasonably practicable for the Grantee to make good immediately;
- (C) can exist or be made good without significantly inconveniencing users of the Site; and
- (D) do not cause any legal or physical impediment to the use and occupation of the Site and the Capital Works for the Designated Use; and

(ii) fit for the Designated Use;

(b) the Grantee must provide the Trustee with written certification by a registered and qualified builder, architect or engineer that has inspected the Capital Works on their completion that:

- (i) the Capital Works meet all the requirements of Supplementary Term CAP6.2(a) and all other requirements set out in this Agreement; and
- (ii) all statutory requirements have been complied with.

CAP7. Defects after practical completion

CAP7.1 In this Supplementary Term, **Defects Liability Period** means the period that starts immediately after the date on which the main works component of the Capital Works achieve practical completion under Supplementary Term CAP6 and continues until the later of the date set out in the Capital Works Particulars,

until the Grantee has complied with all instructions under Supplementary Term CAP7.3, or until such later date as is notified in writing by the Trustee. The “main works” is the construction of all of the Capital Works for a Project other than the “ancillary works” specified for that Project in Attachment B.

CAP7.2 The Grantee agrees to promptly notify the Trustee of, and rectify, all Defects in the Capital Works, including those which become apparent during the Defects Liability Period. During the Defects Liability Period, the Grantee may use the Grant to rectify Defects provided that such expenditure is provided for in the Activity Budget and is also specifically pre-approved by the PGC.

CAP7.3 At any time during the Defects Liability Period, the Trustee may give the Grantee a notice regarding a Defect or apparent Defect that is discovered:

- (a) instructing the Grantee to correct all or part of the Defect or apparent Defect within a specified time; or
- (b) informing the Grantee that the Trustee and the PGC will accept the Capital Works despite the Defect or apparent Defect.

CAP7.4 When the Trustee gives the Grantee a notice under Supplementary Term CAP7.3, the Grantee agrees:

- (a) to comply with the Trustee’s instructions and carry out the necessary works at a time and in a way that will cause as little inconvenience as reasonably possible to those using the Site; and
- (b) that it or its contractor, and not the Trustee or PGC, will bear the cost of correcting the Defect or apparent Defect.

CAP7.5 Except as set out in this Supplementary Term CAP7, the rights and liabilities of the Parties in respect of Defects are not affected or limited by this Supplementary Term or by any instruction under Supplementary Term CAP7.3 or the Trustee’s failure to exercise its rights under this Supplementary Term.

CAP8. Real Property

Approval

CAP8.1 The Grantee agrees to obtain the Trustee’s and the PGC’s prior written approval to spend any part of the Grant on any Real Property that is not specified in the Activity Budget. The Trustee and the PGC may grant that approval subject to conditions.

Outgoings

CAP8.2 The Grantee agrees to pay all rents, rates, taxes, levies and other outgoings of any nature in relation to the Real Property. The Grantee agrees not to use the Grant to pay rent or other disallowed outgoings set out in the Capital Works Particulars.

Right to undertake Capital Works at the Sites

CAP8.3 Before the Grantee commences the Capital Works, the Grantee agrees to ensure that the Grantee has a legal right or interest acceptable to the Trustee that permits the Grantee to occupy and carry out the Capital Works at the Sites, whether by way of fee simple, lease, agreement to lease, licence or otherwise.

CAP8.4 The Grantee agrees to provide the Trustee with copies of all relevant documentation regarding its interest in and right to occupy and carry out the Capital Works at the Sites within 14 days after a request by the Trustee for such documentation.

Grantee's responsibilities

CAP8.5 Throughout the Activity Period, the Grantee agrees to ensure that:

- (a) the Real Property is held securely and safeguarded against theft, loss, damage or unauthorised use;
- (b) the Real Property is maintained in good condition;
- (c) all appropriate insurances are taken out and maintained for the Real Property for its full replacement cost and are used to rectify any damage to or destruction of the Real Property that occurs prior to the completion of the Designated Use Period. This Supplementary Term CAP8 continues to apply to the Real Property once any damage or destruction is rectified. The Grantee agrees to notify the Trustee of any surplus from the proceeds of such insurance and where the surplus is held by the Grantee, it is used and accounted for as part of the Grant;
- (d) any registration and licensing of the Real Property is effected and maintained as required by law;
- (e) it (or its contractors) are fully responsible for, and bear all risks relating to, the use or disposal of the Real Property; and
- (f) if required by the Trustee, it maintains a Real Property Register in the form and containing the details as set out in the Capital Works Particulars, and provides the Trustee with a copy of the Real Property Register on request.

Security

CAP8.6 If the Trustee requests, the Grantee agrees to take all action necessary to grant the Trustee a security, including in the form of a charge or mortgage, over the Real Property for the Activity Period on terms acceptable to the Trustee. This security interest may, but need not, take the form of a Purposes Deed.

Dealings

CAP8.7 The Grantee agrees to obtain the Trustee's prior written consent before:

- (a) any Real Property is disposed of during the Activity Period; or
- (b) any Real Property ceases to be used for the Designated Use.

CAP8.8 If any Real Property is disposed of during the Activity Period, or ceased to be used for the Designated Use during the Designated Use Period, without the prior written consent of the Trustee, the Trustee may, at its sole discretion:

- (a) give the Grantee notice requiring the Grantee to promptly rectify from the proceeds of insurance or from the Grantee's own funds (and not the Grant) any damage to the Real Property that prevents it being fully and effectively used for the Designated Use;
- (b) withhold payment of any amount of the Grant in accordance with clause 2; or
- (c) terminate this Agreement in accordance with clause 19.

Use of the Real Property

CAP8.9 During the Designated Use Period, the Grantee agrees to ensure that:

- (a) the Real Property is used for, and is fit to be used for, the Designated Use; and

- (b) the Grantee's legal right or interest in the Real Property permits the use of the Real Property for the Designated Use.

Third party interests

CAP8.10 If a third party has proprietary or other rights or interests in relation to any Real Property, the Grantee agrees to:

- (a) enter into legally binding written agreements under which all such third parties agree to:
 - (i) the use of the Sites to carry out the Capital Works;
 - (ii) the use of the Sites and completed Capital Works for the Designated Use; and
 - (iii) the use of any other Real Property for the Activity in accordance with this Agreement; and
 - (iv) provide all necessary access to the Site to enable the Grantee to carry out the Capital Works and the Activity until the Agreement End Date.
- (b) not do anything that would give any such third party a right to rescind its agreement to any use specified in paragraph (a) above;
- (c) provide the Trustee with evidence that the Grantee has complied with this Supplementary Term within 14 days of a request by the Trustee for such evidence.

CAP9. Purposes Deed

Not applicable

CAP10. Designated Use

CAP10.1 The Grantee agrees to ensure that:

- (a) the Capital Works and the Site are fully and effectively used only for the Designated Use throughout the Designated Use Period;
- (b) the Designated Use is carried out in accordance with any requirements specified in the Capital Works Particulars; and
- (c) the prior written approval of the Trustee and the PGC is obtained for any use of the Capital Works or the Site (or both) not in accordance with the specified requirements.

CAP10.2 The Parties agree that the repayment provisions set out at this Supplementary Term CAP10 and in the Capital Works Particulars constitute a genuine and reasonable pre-estimate of the loss of public utility to the Trustee if the Capital Works and the Site are not used for the Designated Use throughout the Designated Use Period.

CAP10.3 Subject to Supplementary Term CAP10.4, in addition to any other rights available to the Trustee, if the Grantee fails to comply with Supplementary Term CAP10.1, the Trustee may:

- (a) give the Grantee notice requiring the Grantee to promptly rectify from the proceeds of insurance or from the Grantee's own funds (and not the Grant) any damage to the Capital Works that prevents the Capital Works being fully and effectively used for the Designated Use;
- (b) withhold payment of any amount of the Grant in accordance with clause 2; or

(c) terminate this Agreement in accordance with clause 19.

CAP10.4 The Trustee agrees not to rely upon Supplementary Term CAP10.3 if the non-compliant use was for a limited time only and the Trustee is satisfied that:

- (a) the situation did not arise through any substantial failure by the Grantee;
- (b) the Grantee used all reasonable efforts to resolve the situation to the satisfaction of the Trustee;
- (c) the Grantee complied with all reasonable directions the Trustee gave to help resolve the situation; and
- (d) the situation is resolved to the satisfaction of the Trustee.

CAP11. Activities on Native Title Land

CAP11.1 In this Supplementary Term:

Native Title Land means land that is subject to native title or subject to a native title claim.

Native Title has the same meaning as in the *Native Title Act 1993* (Cth).

CAP11.2 In addition to all other necessary Approvals (Supplementary Term CAP1), and evidence of agreements with any third parties with an interest in the Real Property (Supplementary Term CAP8.10), the Grantee agrees that, before performing an Activity on Native Title Land, the Grantee will, where required by law, obtain the agreement of any Native Title holders or known claimants in relation to the Native Title Land concerned, including, if appropriate, by entering into an Indigenous Land Use Agreement.

CAP11.3 Whether or not there is a legal requirement to obtain the agreement of Native Title holders or known claimants in relation to Native Title Land in order to perform an Activity, the Grantee agrees not to perform any such Activity on the Native Title Land unless the Grantee:

- (a) has consulted with the Native Title holders or known claimants about the Activity; and
- (b) is satisfied that the Native Title holders or known claimants understand the nature of the Activity and have had an adequate opportunity to comment.

CAP11.4 The Parties acknowledge that, in all cases, it is desirable that the Grantee has the agreement of any Native Title holders or known claimants to the performance of the Activity on Native Title Land.

CAP11.5 The Grantee agrees to immediately notify the Trustee in writing if the Grantee fails to obtain all necessary Approvals and agreements to perform the Activity on Native Title Land (including, where required by law, agreeing to an Indigenous Land Use Agreement and registering it on the Register of Indigenous Land Use Agreements) after the Activity Start Date.

CAP11.6 If the Grantee fails to obtain the necessary Approvals and agreements to perform the Activity on Native Title Land within 6 months after the Activity Start Date, the Trustee, at its sole discretion, may:

- (a) negotiate changes to the Activity to enable the Activity to proceed with any and all necessary Approvals and agreements;
- (b) terminate this Agreement under clause 19; or
- (c) by notice, reduce the scope of the Activity.

CAP11.7 If the Trustee reduces the scope of the Activity, the Grantee agrees that the Trustee will not be liable to pay any costs related to activities no longer within scope that are incurred after the date of the notice of reduction.

CAP11.8 The Grantee agrees to provide the Trustee with a copy of any Indigenous Land Use Agreement entered into for the purposes of this Supplementary Term CAP11 within 7 days of its registration on the Register of Indigenous Land Use Agreements.

CAP11.9 The Grantee agrees that, unless otherwise agreed in writing, the Trustee is not required to pay the Grant (or any remaining part of the Grant) if the Grantee has not complied with this Supplementary Term CAP11.

CAP11.10 The Grantee agrees to obtain and rely on its own advice in relation to Native Title matters.

CAP12. Work Health and Safety Accreditation Scheme

CAP12.1 In this Supplementary Term:

- (a) **Scheme** means the Scheme described at section 43 of the *Building and Construction Industry (Improving Productivity) Act 2016*.
- (b) **Builder** has the meaning given in section 43(8) of the *Building and Construction Industry (Improving Productivity) Act 2016*.
- (c) **Building work** has the meaning given in section 6 of the *Building and Construction Industry (Improving Productivity) Act 2016*.

CAP12.2 The Trustee is required by law to ensure that it applies the Work Health and Safety Accreditation Scheme (the Scheme) to Commonwealth funded building work. As necessary, the Grantee agrees to administer funding it receives from Trustee under this Agreement in accordance with the requirements of the Scheme.

CAP12.3 This Activity is bound by the application of the Work Health and Safety Accreditation Scheme (the Scheme) and all head contracts for building work under this Activity that are valued at \$4 million (GST inclusive) or more must:

- (a) be notified to the Office of the Federal Safety Commissioner at the earliest possible opportunity (that is, when approaching the market);
- (b) contain a requirement that the builder:
 - (i) is accredited under the Scheme*;
 - (ii) maintains Scheme accreditation for the life of the contract;
 - (iii) must comply with all conditions of the Scheme accreditation; and
 - (iv) must comply with the National Construction Code performance requirements in relation to building materials.

* Section 26(1)(f) of the Fair Work (Building Industry – Accreditation Scheme) Regulation 2016 outlines provisions applying to joint venture arrangements that include accredited and unaccredited builders.

Signatures

Executed as an agreement:

Trustee:

Signed for and on behalf of the Torres Strait Regional Authority as Trustee for the Torres Strait Major Infrastructure and Other Projects Trust Fund ABN 48 497 335 186	
Name: (print) Position: (print) Signature and date:	
Witness Name: (print) Signature and date:	

Grantee:

Full legal name of the Grantee:	Torres Strait Island Regional Council ABN 15 292 645 165
Name of Grantee's Chief Executive Officer: (print) Signature and date:	
Witness Name: (print) Signature and date:	

Schedule 1: Standard Grant Conditions

1. Undertaking the Activity

1.1 The Grantee agrees to undertake the Activity for the purpose of the Grant in accordance with this Agreement.

1.2 The Grantee is responsible for the Activity to the extent set out in the Grant Details.

1.3 The Grantee is responsible for ensuring the performance of all its obligations under this Agreement in accordance with all relevant laws. The Grantee will not be relieved of that responsibility because of:

- (a) the grant or withholding of any approval or the exercise or non-exercise of any right by the Trustee;
- (b) any payment to, or withholding of any payment from, the Grantee under this Agreement; or
- (c) the oversight of the PGC or the engagement of an Program Manager or other third party to assist the Trustee manage the Trust or the Activity or to assist the Grantee manage or perform the Grant or the Activity.

2. Payment of the Grant

2.1 The Trustee agrees to pay the Grant to the Grantee (or to a third party contractor on behalf of the Grantee) in accordance with the Grant Details.

2.2 Notwithstanding any other provision of this Agreement, the Trustee may by notice withhold payment of any amount of the Grant and/or take any other action specified in the Supplementary Terms if it reasonably believes that:

- (a) the Grantee has not complied with this Agreement;
- (b) the Grantee is unlikely to be able to perform the Activity or manage the Grant in accordance with this Agreement;
- (c) there is a serious concern relating to the Grantee (or its contractors) or this Agreement that requires investigation; or
- (d) any of the circumstances specified in Supplementary Term CB17 exist.

2.3 A notice under clause 2.2 will contain the reasons for any action taken under clause 2.2 and, where relevant, the steps the Grantee can take to address those reasons.

2.4 The Trustee will only pay a withheld amount once the Grantee has addressed the reasons contained in a notice under clause 2.2 to the Trustee's reasonable satisfaction.

2.5 The Grantee agrees to hold the Grant in an account:

- (a) in the Grantee's name and which the Grantee controls, with an authorised deposit-taking institution authorised by the *Banking Act 1959* (Cth) to carry on banking business in Australia;
- (b) that is established solely for the purpose of the receiving Grant funds from the Trust; and
- (c) that is separate from the Grantee's other operational accounts.

3. Acknowledgements

3.1 The Grantee agrees not to make any public announcement, including by social media, in connection with the awarding of the Grant without the Commonwealth's and State's prior written approval.

4. Notices

4.1 Each Party agrees to promptly notify the other Party of anything reasonably likely to adversely affect the undertaking of the Activity, management of the Grant or its performance of any of its other requirements under this Agreement.

4.2 A notice given by a Party under this Agreement must be in writing and addressed to the other Party's representative as set out in the Grant Details or as most recently updated by notice given in accordance with this clause.

4.3 A notice is deemed to be effected:

- (a) if delivered by hand - upon delivery to the relevant address;
- (b) if sent by post - upon delivery to the relevant address; or
- (c) if transmitted electronically - upon actual receipt by the addressee.

4.4 A notice received after 5.00 pm, or on a day that is a Saturday, Sunday or public holiday, in the place of receipt, is deemed to be effected on the next day that is not a Saturday, Sunday or public holiday in that place.

4.5 The Trustee and PGC may, by notice, advise the Grantee of changes to the Agreement that are minor or of an administrative nature, provided that any such changes do not increase the Grantee's obligations under this Agreement. Such changes, while legally binding, are not variations for the purpose of clause 8.

5. Relationship between the Parties

A Party is not by virtue of this Agreement the employee, agent or partner of the other Party and is not authorised to bind or represent the other Party.

6. Subcontracting

6.1 The Grantee is responsible for the performance of its obligations under this Agreement, including in relation to any tasks undertaken by the Grantee's subcontractors.

6.2 The Grantee agrees to make available to the Trustee and PGC the details of any of its subcontractors engaged to perform any tasks in relation to this Agreement upon request.

6.3 The Grantee agrees not to subcontract any part of the performance of the Activity without the Trustee's and PGC prior written consent. The Trustee and PGC may impose any conditions it considers reasonable and appropriate when giving its consent.

6.4 The Grantee agrees to remove a subcontractor from the Activity at the reasonable request of the Trustee and at no additional cost to the Trustee.

7. Conflict of interest

7.1 Other than those which have already been disclosed to the Trustee and PGC, the Grantee warrants that, to the best of its knowledge, at the date of this Agreement neither it nor its officers have any actual, perceived or potential conflicts of interest in relation the Activity.

7.2 If during the term of the Agreement, any actual, perceived or potential conflict arises or there is any material change to a previously disclosed conflict of interest, the Grantee agrees to:

- (a) notify the Trustee and PGC promptly and make full disclosure of all relevant information relating to the conflict; and
- (b) take any steps the Trustee and PGC reasonably requires to resolve or otherwise deal with that conflict.

8. Variation, assignment and waiver

8.1 This Agreement may be varied in writing only, signed by both Parties.

8.2 The Grantee cannot assign its obligations, and agrees not to assign its rights, under this Agreement without the Trustee's prior approval.

8.3 The Grantee agrees not to enter into negotiations with any other person for the purposes of entering into an arrangement that will require novation of, or involve any assignment of rights under, this Agreement without first consulting the Trustee and PGC.

8.4 A waiver by a Party of any of its rights under this Agreement is only effective if it is in a signed written notice to the other Party and then only to the extent specified in that notice.

9. Taxes, duties and government charges

9.1 The Grantee agrees to pay all taxes, duties and government charges imposed or levied in Australia or overseas in connection with the performance of this Agreement, except as provided by this Agreement.

9.2 If Goods and Services Tax (GST) is payable by a supplier on any supply made under this Agreement, the recipient of the supply will pay to the supplier an amount equal to the GST payable on the supply, in addition to and at the same time that the consideration for the supply is to be provided under this Agreement.

9.3 The Parties acknowledge and agree that they each:

- (a) are registered for GST purposes;
- (b) have quoted their Australian Business Number to the other; and
- (c) must notify the other of any changes to the matters covered by this clause.

9.4 The Grantee agrees that the Trustee will issue it with a recipient created tax invoice for any taxable supply it makes under this Agreement.

9.5 The Grantee agrees not to issue tax invoices in respect of any taxable supplies.

9.6 If the Grantee is not, or not required to be, registered for GST, then:

- (a) clauses 9.3(a), 9.4 and 9.5 do not apply; and
- (b) the Grantee agrees to notify the Trustee in writing within 7 days of becoming registered for GST if during the term of the Agreement it becomes, or is required to become, registered for GST.

10. Spending the Grant

10.1 The Grantee agrees to spend the Grant only for the purpose of performing the Activity in accordance with this Agreement.

10.2 Within the timeframe specified by the Trustee (and if no timeframe is specified, three months) after the expiry of the Activity's final Defect Liability Period, and each 12 month anniversary of the Activity's Start Date until that date, the Grantee agrees to provide the Trustee with an independently audited financial acquittal report verifying that the Grant has been spent in accordance with this Agreement. The audit will note each entity (including the Grantee) to which the Grant has been paid from the Trust and, to the extent it has been paid to the Grantee, the audit will specify the Grantee's expenditure of the Grant and any amount of the Grant that has not been spent by the Grantee for the Activity in accordance with this Agreement.

10.3 The reports under clause 10.2 must be audited by:

- (a) a Registered Company Auditor under the *Corporations Act 2001* (Cth); or
- (b) a certified Practising Accountant; or
- (c) a member of the National Institute of Accountants; or
- (d) a member of the Institute of Chartered Accountants;

who is not a principal member, shareholder, officer or employee of the Grantee or a related body corporate.

11. Repayment

11.1 If any amount of the Grant:

- (a) has been spent other than in accordance with this Agreement; or
- (b) is additional to the Grantee's requirements of the Activity;

then the Trustee may by written notice:

- (c) require the Grantee to repay that amount to the Trustee;
- (d) require the Grantee to deal with that amount as directed by the Trustee; or
- (e) deduct the amount from subsequent payments of the Grant or amounts payable under another agreement between the Grantee and the Trustee.

11.2 If the Trustee issues a notice under this Agreement requiring the Grantee to repay a Grant amount:

- (a) the Grantee must do so within the time period specified in the notice;
- (b) the Grantee must pay interest on any part of the amount that is outstanding at the end of the time period specified in the notice until the outstanding amount is repaid in full; and
- (c) the Trustee may recover the amount and any interest under this Agreement as a debt due to the Trustee without further proof of the debt being required.

12. Record keeping

12.1 The Grantee agrees to keep financial accounts and other records that:

- (a) detail and document the conduct and management of the Activity;
- (b) identify its (and any other entity's) receipt of the Grant directly from the Trust Fund
- (c) identify the Grantee's expenditure of the Grant and any Other Contributions separately within the Grantee's accounts and records so that at all times the Grant is identifiable; and
- (d) enable all receipts and payments related to the Activity to be identified and reported.

12.2 The Grantee agrees to keep the records for five years after the expiry of the Activity's final Defect Liability Period or such other time specified in the Grant Details and provide copies of the records to the Trustee upon request.

13. Reporting and liaison

13.1 The Grantee agrees to provide the Reporting Material specified in the Grant Details to the Trustee.

13.2 In addition to the obligations in clause 13.1, the Grantee agrees to:

- (a) liaise with and provide assistance and information to the Trustee as reasonably required by the Trustee; and
- (b) comply with the Trustee's reasonable requests, directions and monitoring requirements,

in relation to the Activity.

13.3 If the Trustee acting reasonably has concerns regarding the performance of the Activity or the management of the Grant, the Trustee may by written notice require the Grantee to provide one or more additional reports, containing the information and by the date(s), specified in the notice.

13.4 The Grantee acknowledges that the giving of false or misleading information to the Commonwealth is a serious offence under the Criminal Code Act 1995 (Cth).

14. Privacy

14.1 When dealing with Personal Information in carrying out the Activity, the Grantee agrees:

- (a) to comply with the requirements of the *Privacy Act 1988* (Cth);
- (b) not to do anything which, if done by the Trustee, would be a breach of an Australian Privacy Principle;
- (c) to ensure that any of the Grantee's subcontractors or personnel who deal with Personal Information for the purposes of this Agreement are aware of the requirements of the *Privacy Act 1988* (Cth) and the Grantee's obligations under this clause; and

(d) to immediately notify the Trustee if the Grantee becomes aware of an actual or possible breach of this clause by the Grantee or any of the Grantee's subcontractors or personnel.

15. Confidentiality

15.1 The Parties agree not to disclose each other's confidential information without the other Party's prior written consent unless required or authorised by law or Parliament to disclose.

15.2 The Trustee may disclose the Grantee's confidential information where;

- (a) the Trustee is providing information about the Activity or Grant in accordance with the Trustee's accountability and reporting requirements;
- (b) the Trustee is disclosing the information to a Minister of the Australian Government, a House or Committee of the Commonwealth Parliament; or
- (c) the Trustee is disclosing the information to its personnel or a Commonwealth agency where this serves the Commonwealth or the Trustee's legitimate interests.

16. Insurance

16.1 The Grantee agrees to effect and maintain for as long as any obligations remain in connection with this Agreement:

- (a) workers compensation insurance as required by law;
- (b) adequate and appropriate public liability insurance;
- (c) insurance against any loss or damage to an asset for its full replacement cost including where relevant the costs of demolition and removal of debris and the cost of architects, engineers and other consultants; and
- (d) any other additional insurance specified in the Grant Details.

16.2 The Grantee agrees to provide proof of insurance to the Trustee upon request and within the time specified in the request.

17. Intellectual property

17.1 Subject to clause 17.2, the Grantee owns the Intellectual Property Rights in Activity Material and Reporting Material.

17.2 This Agreement does not affect the ownership of Intellectual Property Rights in Existing Material.

17.3 The Grantee provides the Trustee a permanent, non-exclusive, irrevocable, royalty-free licence to use, modify, communicate, reproduce, publish, adapt and sub-license the Activity Material and the Reporting Material for Trustee Purposes.

17.4 The Grantee agrees, on request from the Trustee, to provide the Trustee with a copy of any Activity Material and Reporting Material in any format reasonably requested by the Trustee.

17.5 The Grantee warrants that the provision of Activity Material and the Reporting Material in accordance with the Agreement will not infringe any third party's Intellectual Property Rights.

17.6 The Grantee will obtain written moral rights consents (other than in relation to acts of false attribution) from all authors of Reporting Material and Activity Material to the use of that Material by the Trustee in accordance with this Agreement, prior to that Material being provided to the Trustee.

18. Dispute resolution

18.1 The Parties agree not to initiate legal proceedings in relation to a dispute arising under this Agreement unless they have first tried and failed to resolve the dispute by negotiation.

18.2 Unless clause 18.3 applies, the Parties agree to continue to perform their respective obligations under this Agreement when a dispute exists.

18.3 Failing settlement by negotiation in accordance with clause 18.1, the Parties may agree to refer the dispute to an independent third person with power to intervene and direct some form of resolution, in which case the Parties will be bound by that resolution. If the Parties do not agree to refer the dispute to an independent third person, either Party may initiate legal proceedings.

18.4 Each Party will bear their own costs in complying with this clause 18, and the Parties will share equally the cost of any third person engaged under clause 18.3.

18.5 The procedure for dispute resolution under this clause does not apply to any action relating to termination, cancellation or urgent interlocutory relief.

19. Reduction, Suspension and Termination

19.1 Reduction in scope of agreement for fault

19.1.1 If the Grantee does not comply with an obligation under this Agreement and the Trustee believes that the non-compliance is incapable of remedy, or if the Grantee has failed to comply with a notice to remedy, the Trustee may by written notice reduce the scope of the Agreement.

19.1.2 The Grantee agrees, on receipt of the notice of reduction, to:

- (a) stop or reduce the performance of the Grantee's obligations as specified in the notice;
- (b) take all available steps to minimise loss resulting from the reduction;
- (c) continue performing any part of the Activity or the Agreement not affected by the notice if requested to do so by the Trustee; and
- (d) report on, and return any part of, the Grant to the Trustee, or otherwise deal with the Grant, as directed by the Trustee.

19.1.3 In the event of reduction under clause 19.1.1, the amount of the Grant will be reduced in proportion to the reduction in the scope of the Agreement.

19.2 Suspension

19.2.1 If:

- (a) the Grantee does not comply with an obligation under this Agreement and the Trustee believes that the non-compliance is capable of remedy;
- (b) the Trustee reasonably believes that the Grantee is unlikely to be able to perform the Activity or manage the Grant in accordance with this Agreement; or
- (c) the Trustee reasonably believes that there is a serious concern relating to the Grantee or this Agreement that requires investigation;

the Trustee may by written notice:

- (d) immediately suspend the Grantee from further performance of the Activity (including expenditure of the Grant); and/or
- (e) require that the non-compliance or inability be remedied, or the investigation be completed, within the time specified in the notice.

19.2.2 If the Grantee:

- (a) remedies the non-compliance or inability specified in the notice to the Trustee's reasonable satisfaction, or the Trustee reasonably concludes that the concern is unsubstantiated, the Trustee may direct the Grantee to recommence performing the Activity; or

(b) fails to remedy the non-compliance or inability within the time specified, or the Trustee reasonably concludes that the concern is likely to be substantiated, the Trustee may reduce the scope of the Agreement in accordance with clause 19.1 or terminate the Agreement immediately by giving a second notice in accordance with clause 19.3.

19.3 Termination for fault

19.3.1 The Trustee may terminate this Agreement by notice where:

- (a) the Grantee has failed to comply with an obligation under this Agreement and the Trustee believes that the non-compliance is incapable of remedy or where clause 19.2.2.b applies; or
- (b) the Grantee has provided false or misleading statements in relation to the Grant;
- (c) the Grantee has become bankrupt or insolvent, entered into a scheme of arrangement with creditors, or come under any form of external administration; or
- (d) an event in Supplementary Term CB18 has occurred.

19.3.2 The Grantee agrees, on receipt of the notice of termination, to:

- (a) stop the performance of the Grantee's obligations;
- (b) take all available steps to minimise loss resulting from the termination; and
- (c) report on, and return any part of, the Grant to the Trustee, or otherwise deal with the Grant, as directed by the Trustee.

19A. Cancellation or reduction for convenience

19A.1 The Trustee may cancel or reduce the scope of this Agreement by notice, due to:

- (a) a change in government policy; or
- (b) a Change in the Control of the Grantee which the Trustee reasonably believes will negatively affect the Grantee's ability to comply with this Agreement.

19A.2 On receipt of a notice of reduction or cancellation under this clause, the Grantee agrees to:

- (a) stop or reduce the performance of the Grantee's obligations as specified in the notice;
- (b) take all available steps to minimise loss resulting from that reduction or cancellation;
- (c) continue performing any part of the Activity or the Agreement not affected by the notice if requested to do so by the Trustee; and
- (d) report on, and return any part of, the Grant to the Trustee, or otherwise deal with the Grant, as directed by the Trustee.

19A.3 In the event of reduction or cancellation under this clause, the Trustee will be liable only to:

- (a) pay any part of the Grant due and owing to the Grantee under this Agreement at the date of the notice; and
- (b) reimburse any reasonable and substantiated expenses the Grantee unavoidably incurs that relate directly and entirely to the reduction in scope or cancellation of the Agreement.

19A.4 In the event of reduction, the amount of the Grant will be reduced in proportion to the reduction in the scope of the Agreement.

19A.5 The Trustee's liability to pay any amount under this clause is:

- (a) subject to the Grantee's compliance with this Agreement; and
- (b) limited to an amount that when added to all other amounts already paid under the Agreement will not exceed the total amount of the Grant.

19A.6 The Grantee will not be entitled to compensation for loss of prospective profits or benefits that would have been conferred on the Grantee but for the cancellation or reduction in scope of the Agreement under clause 19A.1.

19A.7 The Trustee will act reasonably in exercising its rights under this clause.

19B. Survival

The following clauses and Supplementary Terms survive termination, cancellation or expiry of this Agreement:

- clause 10 (Spending the Grant);
- clause 11 (Repayment);
- clause 12 (Record keeping);
- clause 13 (Reporting and liaison);
- clause 14 (Privacy);
- clause 15 (Confidentiality);
- clause 16 (Insurance);
- clause 17 (Intellectual property);
- clause 19 (Reduction, Suspension and Termination);
- clause 19A (Cancellation or reduction for convenience);
- clause 19B (Survival);
- Supplementary Term CB3 (Access/Monitoring/Inspection);
- Supplementary Term CB4 (Assets);
- Supplementary Term CB8(Fraud);
- Supplementary Term CB9 (Anti-corruption);
- Supplementary Term CB11 (Indemnities);
- Supplementary Term CB16 (Secret and Sacred Indigenous Material); and
- Any other clause or Supplementary Term which expressly or by implication from its nature is meant to survive.

20. Definitions

In this Agreement, unless the contrary appears:

- **Activity** means the Program of Capital Works described in the Grant Details and Program Implementation Plan and includes the Projects' Capital Works, the use of the Capital Works for the Designated Use and the provision of the Reporting Material.
- **Activity Budget** means the budget for the Activity (including each Project) as set out in Supplementary Term CB2 and further detailed in the Program Implementation Plan.
- **Activity Completion Date** means the date or event specified in the Grant Details.
- **Activity Material** means any Material, other than Reporting Material, created or developed by the Grantee as a result of the Activity and includes any Existing Material that is incorporated in or supplied with the Activity Material.
- **Activity Period** means the period commencing on the Activity Start Date and ending on the Activity Completion Date.
- **Activity Start Date** means the Activity Start Date specified in Item C of the Grant Details.
- **Agreement** means the Grant Details, Supplementary Terms (if any), the Standard Grant Conditions and any other documents attached to or referenced or incorporated in the Grant Details.

- **Agreement End Date** means the date immediately after the day on which the Grantee has completed the Activity and has provided all Reports and repaid any Grant amount to the Trustee as required under this Agreement.
- **Approval** means any licence, permit, consent, approval, determination, certificate or other requirement of any authority, body or other organisation having any jurisdiction in connection with the Capital Works or the carrying out of the Activity or under any applicable statutory requirement, which must be obtained or satisfied to perform the Activity.
- **Australian Privacy Principle** has the same meaning as in the *Privacy Act 1988*.
- **Capital Works** means any part of the Activity that comprises construction and building activities and includes the Capital Works specified in the Capital Works Particulars and the Program Implementation Plan.
- **Capital Works Particulars** means the particulars set out in Item H of the Grant Details.
- **Change in the Control** means any change in any person(s) who directly exercise effective control over the Grantee.
- **Commonwealth** means the Commonwealth of Australia.
- **Defect** means any defect, shrinkage, fault, error or omission in the Capital Works and includes any feature of the Capital Works which does not comply with this Agreement or otherwise makes the Capital Works not fit for the Designated Use.
- **Designated Use** means the use specified in the Capital Works Particulars.
- **Designated Use Period** means the period, specified in the Capital Works Particulars, during which the Site must be used for the Designated Use.
- **Existing Material** means Material developed independently of this Agreement that is incorporated in or supplied as part of Reporting Material or Activity Material.
- **Grant** means the money, or any part of it, payable by the Trustee to the Grantee for the Activity as specified in the Grant Details and includes any interest earned by the Grantee on that money once the Grant has been paid to the Grantee.
- **Grantee** means the legal entity other than the Trustee specified in the Agreement and includes, where relevant, its officers, employees, contractors and agents.
- **Grant Details** means the document titled 'Grant Details' that forms part of this Agreement.
- **Program Implementation Plan** means the implementation plan for the Activity as amended from time to time and most recently approved by the PGC.
- **Intellectual Property Rights** means all copyright, patents, registered and unregistered trademarks (including service marks), registered designs, and other rights resulting from intellectual activity (other than moral rights under the *Copyright Act 1968*).
- **Island** means, depending on the context, Boigu, Poruma, Iama, Masig or Warraber and **Islands** means two or more of them.
- **Material** includes documents, equipment, software (including source code and object code versions), goods, information and data stored by any means including all copies and extracts of them.
- **National Indigenous Australians Agency or NIAA** means the Commonwealth executive agency of that name established under the *Public Service Act (Cth)*.
- **Party** means the Grantee or the Trustee.
- **Personal Information** has the same meaning as in the *Privacy Act 1988*.
- **PGC or Program Governance Committee** means the committee that provides a high level governance and probity mechanism for this Activity and which comprises a representative of each of the following:
 - TSRA (in both its ordinary and Trustee capacities)
 - NIAA
 - the State Government
 - the Grantee; and.

- any additional member (whether permanent or short term) as agreed by Trustee, PM&C and the State Government.
- **Program** means the completion of all of the Projects.
- **Project** means the Capital Works to be completed on an Island.
- **Program Manager** means a person or organisation engaged by the Trustee to manage the delivery of the Activity, and certify and provide advice to the Trustee and the PGC regarding the progress and completion of the Activity, as set out in the contract between the Program Manager and the Trustee. The Independent expertise in Coastal Inundation Mitigation is also known as the **Program Manager** in other documents and agreements regarding the Activity
- **Project Manager** means a person or organisation engaged by the Grantee to manage the delivery of one or more specific aspects of the Activity.
- **Real Property** means:
 - a. any:
 - i. land, buildings or fixtures, including the Capital Works (both during and after completion) and the Site; and
 - ii. interest in the property specified at (a),
that are purchased, leased, upgraded or otherwise created or brought into existence wholly or in part with the use of the Grant; and
 - b. any real property listed in the Capital Works Particulars.
- **Records** includes documents, information and data stored by any means and all copies and extracts of the same.
- **Reporting Material** means all Material which the Grantee is required to provide to the Trustee for reporting purposes as specified in the Grant Details and includes any Existing Material that is incorporated in or supplied with the Reporting Material.
- **Site** means the site or sites described in the Capital Works Particulars, any item which is affixed to the site or sites, and any site or sites where the Activity (including the Capital Works) is carried out.
- **Standard Grant Conditions** means this document.
- **State Government** means the State Government of Queensland represented by the Department of Local Government, Racing and Multicultural Affairs with ABN 25 166 523 889 and any successor State Government agency that is involved in the administration of this Agreement
- **Supplementary Term** means a provision in the 'Supplementary Terms from Clause Bank' section of the Agreement.
- **Torres Strait Regional Authority** means the body corporate established under the *Aboriginal and Torres Strait Islander Act 2005* (Cth) and includes, where relevant, its officers, employees, contractors and agents.
- **Trust** means the Torres Strait Major Infrastructure and Other Projects Trust Fund ABN 48 497 335 186 established by the written agreement of the Trustee and the Queensland Government to fund infrastructure and other projects in the Torres Strait for the ultimate benefit of the Grantee, the Torres Shire Council and the Northern Peninsular Area Regional Council.
- **Trust Fund Manager** means the financial manager of the Trust Fund engaged by the Trustee
- **Trustee** means the Torres Strait Regional Authority (**TSRA**) as trustee of the Trust and includes, where relevant, its officers, employees, contractors and agents.
- **Trustee Purposes** includes the following:
 - a. the Trustee verifying and assessing grant proposals, including a grant application;
 - b. the Trustee administering, monitoring, reporting on, auditing, publicising and evaluating the operation of the Trust or exercising its rights under this Agreement;
 - c. the Trustee preparing, managing, reporting on, auditing and evaluating Trust grant agreements, including this Agreement; and
 - d. the Trustee developing and publishing policies, programs, guidelines and reports;

e. the Trustee sharing the material with, and the use of that material by, the members of the PGC, the Trust Fund Manager or the Program Manager.

but in all cases:

e. excludes the commercialisation (being for-profit use) of the Material by the Trustee; and

f. excludes the publication of culturally sensitive materials without prior approval of the Grantee

Attachment A to the Grant Details – Capital Works

Boigu Island Capital Works

- Wave return wall – estimated 1200 metres
- Bund wall raised and extended – estimated 450 metres
- Rock Seawall partial demolishing and reconstruction and raising of height – estimated 200 metres
- Site drainage and disposal requirements
- Maintain access to existing boat ramp and wharf areas and consideration of any ancillary marine access areas for the community
- Pedestrian access corridor behind the wave return wall
- Site clean-up / beautification

Poruma Island Capital Works

- Sand stockpiling – volume to be confirmed and agreed by the PGC at detailed design phase
- Geotextile sand bag seawall – estimated 1060 metres at four locations
- Alter existing groyne to the east of the barge ramp
- Maintain access to existing boat ramp and beach
- Consideration of amenity and beach access
- Site clean-up / beautification

Iama Island Capital Works

- Wave return wall – estimated 2100 metres
- Geotextile bund wall – estimated 650 metres
- Earth bund walls at two locations – estimated 600 metres
- Rock seawall partial demolishing and reconstruction and raising of height – estimated 200 metres
- Sand stockpiling – volume to be confirmed and agreed by the PGC at detailed design phase
- New culverts – (one) at stormwater outlet on beach at western side of community
- Rock Armour Seawall – approximately 450 metres)
- Road bund crossing – three
- Maintain access to existing boat ramp and beach
- Consideration of amenity and beach access
- Site clean-up / beautification

Masig Island Capital Works

- Sand stockpiling – volume to be confirmed and agreed by the PGC at detailed design phase
- Geotextile sand bag seawall – estimated 1100 metres at four locations
- Bund wall – estimated 2900 metres
- Maintain access to existing 3 boat ramps
- Consideration of amenity and beach access
- Site clean-up / beautification

Warraber Island Capital Works

- Wave return wall – estimated 325 metres
- Geotextile bund wall – estimated 840 metres
- Rock Seawall partial demolishing and reconstruction and raising of height – estimated 690 metres

- Geotextile sand bag seawall – estimated 300 metres
- Sand stockpiling – to be confirmed and agreed by PGC at detailed design phase
- Repair and top-up existing rock seawall – approximately 280 metres
- Road bund crossing – (two) - one on south-western side of community near Water Storage Lagoon, and one on eastern side of near contractor accommodation
- Consideration of amenity and beach access
- Site clean-up / beautification

Attachment B to the Grant Details – Activity Milestones

Community	Scope
Boigu (forecast budget \$15M)	<ul style="list-style-type: none"> • Construction of new wave return wall – approximately 1,022 metres • Earth works to raise existing bund wall and extended – approximately 450 metres • Demolition of redundant infrastructure including concrete slabs, drainage, fences, and other miscellaneous items; • Concrete works including new concrete lined drained and reinforced concrete wave return wall. • Earthworks including treatment of acid sulphate soils, foundation and subgrade treatments, general earthworks and backfilling activities for the new seawall works. • Stormwater drainage including replacement of existing pipe culverts and construction of new pipe outlets (including reinstatement of existing infrastructure); • Maintain access to existing boat ramp and wharf areas and consideration of any ancillary marine access areas for the community • Protection works to coastal revetments through construction of new rock armour seawalls, or reconstruction of existing failed seawalls (including rebuild and topping up); • Reestablishment of the traditional dugong and turtle processing slabs • Replacement of shelters as required due to construction • Site clean-up / make-good
Poruma (Forecast Budget \$5M)	<ul style="list-style-type: none"> • Sand stockpiling – volume to be confirmed at detailed design phase • Geotextile sand bag seawall – approximately 1060 metres at four locations • Alter existing groyne to the east of the barge ramp • Maintain access to existing boat ramp and beach • Provision of amenity and beach access • Site clean-up / make-good
Iama (Forecast Budget \$7M)	<ul style="list-style-type: none"> • Final design and approval • Wave return wall – approximately 2100 metres • Earth bund walls at two locations – approximately 600 metres • Rock Seawall partial demolishing and reconstruction and raising of height – est 200 metres • Rock Armour Seawall – approximately 450 metres • Sand stockpiling – volume to be confirmed at detailed design phase • Geotextile sand bag seawall with bund – approximately 650 metres • New culvert (one) at stormwater outlet on beach at western side of community • Road bund crossing (three) – located at barge ramp, northern end of Mabuag Point, and boat ramp near western end of airstrip • Maintain access to existing boat ramp and beach • Provision of amenity and beach access • Site clean-up / make-good

Warraber (Forecast Budget \$7M)	<ul style="list-style-type: none"> • Final design and approval • Wave return wall – approximately 325 metres • Geotextile bund wall – approximately 50 metres • Rock Seawall partial demolishing and reconstruction and raising of height – approximately 690 metres • Repair and top-up existing rock seawall – approximately 280 metres • Sand stockpiling – volume to be confirmed at detailed design phase • Geotextile sand bag seawall – approximately 300 metres • Road bund crossing (two) - one on south-western side of community near Water Storage Lagoon, and one on eastern side of near contractor accommodation • Provision of amenity and beach access • Site clean-up / make-good
Masig (Forecast Budget \$6M)	<ul style="list-style-type: none"> • Sand stockpiling – volume to be confirmed at detailed design phase • Geotextile sand bag seawall – est 1,300 metres at four locations • Geotextile Bund wall – est 2,800 metres • Maintain access to existing 3 boat ramps – 2 located at north-eastern end of community, and 1 located at south-eastern end of community • Provision of amenity and beach access • Site clean-up / make-good

Island	Milestone	Timeline	Relevant considerations
Boigu	Contract Awarded	March 2020	COVID19 Delay
	Practical Completion	August 2021	Wet season / COVID
Poruma	Commencement Date	January 2021	Work will occur over a 2 year period to maximise local employment and work around wet seasons.
	Practical Completion	April 2023	Final (Stage 5) planned to be completed after Masig
Iama	Commencement Date/Contract awarded	March 2022	
	Practical Completion	December 2022	
Masig	Commencement Date	October 2020	Work will occur over a 2 year period to maximise local employment
	Practical Completion	December 2022	
Warraber	Commencement Date	December 2022	
	Practical Completion	November 2023	

Each Project's activities may be further detailed in the Program Implementation Plan.

Attachment C to the Grant Details – Responsibilities

Independent expert in Coastal Inundation Mitigation

Responsibilities of Independent expert in Coastal Inundation Mitigation (also known as the Program Manager) includes:

- Monitor, oversee, liaise with the Grantee and its Project Managers and report to the Trustee and PGC on the Program and each individual Project to assist in ensuring:
 - they are delivered in accordance with the Program Implementation Plan including the Activity Budget,
 - they represent value for money and
 - all the Capital Works are fit for purpose and fit for place.
- Provide Program, Project and technical support and proactive advice to the PGC.
- Review and provide advice to the Grantee, Trustee and PGC on the Grantee's proposed tender process and tender documentation.
- Certify the Grantee's and its contractors' completion of each Activity milestone, each report and each payment claim for each Project and make recommendations, for the PGC's approval, as to whether each Activity milestone has been properly completed and each payment claim is correct.
- Identify and monitor any assumptions that have been made in the scoping, design and construction phases of the Program and the Projects and make recommendations relating to those assumptions to the PGC.
- Make recommendations to the PGC on how planning, budgeting and reporting systems can be improved and streamlined at a Program and Project level.
- Review the Grantee's proposed sequencing of Projects and provide advice to the Trustee, PGC and Grantee on how to sequence and aggregate Projects and components for efficiencies and value for money
- Undertake value for money assessment of all Project bids.
- Identify other related matters i.e. other program / project roll outs in the Torres Strait which may provide opportunities / constraints for the Activity e.g. other related infrastructure projects, accommodation availability.
- undertake a robust risk assessment process at a Program and individual Project level including
 - Surveys and land tenure including access issues, native title and sea claimants, development approvals, Indigenous Land Use Agreements
 - Supplier abilities
 - Contingency
 - Environmental factors, weather, soil and marine conditions, contaminated and hazardous waste
 - Impacts of the *Building Industry Fairness (Security of Payment) Act 2017* (Qld).
- Ensure the PGC is fully briefed on all current and potential risks and opportunities in a timely manner which will enable stakeholders to quickly mitigate risks and/or maximize opportunities.
- Undertake a capability assessment of all Project bids and provide assessment to Grantee.
- Monitor and advise the PGC, Trustee and the Grantee on compliance with relevant standards, accreditations etc, for example:
 - Commonwealth and State Government policies on Indigenous employment
 - Work Health and Safety
- Monitor and advise the PGC, Trustee and the Grantee on all requirements under the Commonwealth *Native Title Act 1993* and the *Torres Strait Islander Cultural Heritage Act 2003* are met including the requirement for a cultural heritage plan.
- Provide the PGC with media opportunities and related material, i.e. drone footage, photos etc.



TORRES STRAIT ISLAND REGIONAL COUNCIL

AGENDA REPORT

COUNCIL MEETING:	December 2020
DATE:	8/12/2020
ITEM:	Noting report for Council
SUBJECT:	Community Grants Procedure
AUTHOR:	Nicola Daniels – Acting Chief Financial Officer

Resolution:

That Council resolves to note that changes, incorporated into the Community Grant Procedure, align with the November 2020 workshop discussion.

Executive Summary:

Following several community grant applications being presented to Council for resolution, which were determined not to be in line with the intention of the policy, a session was held at the November workshop to determine whether certain exclusions should be noted to ensure streamlined processing of grants.

Background:

In July 2020, the current Community Grant Policy was adopted by Council in accordance with section 195 of the *Local Government Regulation 2012*. This policy sets out the process for distributing community grants.

Before community grants are presented to Council for approval, they are assessed by council officers based on the eligibility criteria outlined in the policy. As there are no exclusions specifically within the policy, these have now been incorporated into the procedure to ensure that invalid grant applications are not presented to Council.

In previous Council meetings, applications for certain events have been unsuccessful, based on the fact that, while fitting within the criteria guidelines, they do not align with the intent of the policy. Subsequently the matter was workshoped to determine what exclusions should be added to further streamline the process and ensure any such applications are not presented to Council.

The following exclusions have been added to the procedures under the following grants:

Regional Grant Funding:

10.2 Ineligible projects

The following projects are ineligible:

- Birthdays
- Tombstone openings
- Graduation events
- Weddings
- Baptisms
- Dedications
- Cultural Initiation
- Engagements

Community Grant Funding:

11.3 Ineligible projects

The following projects are ineligible:

- Baptisms
- Birthdays
- Graduation events
- Engagements
- Weddings
- Dedications
- Cultural Initiation
- Tombstone openings

Further to this, travel to these events have also been deemed ineligible.

Consultation:

Councillors at the November workshops

Links to Strategic Plans:

This policy strategically aligns to specific delivery objectives under all 3 pillars of Council's recently adopted Corporate Plan, being *People*, *Sustainability* and *Prosperity*.

Statutory Requirements:

Local Government Act 2009

Local Government Regulation 2012

Conclusion:

That Council resolves to note the updated Community Grant Procedure.



Nicola Davies

Acting Chief Financial Officer

Attachments: Community Grants Procedure 01122020

Grants and Donations Procedure

Responsible Manager	Head of Corporate Affairs
Head of power	Torres Strait Island Regional Council Community Grants Policy
Authorised by	Chief Financial Officer
Authorised on	2 September 2020
Implemented from	2 September 2020
Last reviewed	August 2020
Review history	2011, 2012, 2013, 2014, 2015, 2016, 2018, 2019
To be reviewed	June 2021
Corporate Plan	People, Sustainability and Prosperity

1. Relationship to Community Grants Policy

Intent

This document is a supporting document to the Community Grants Policy and guides Torres Strait Island Regional Council's Community Grant Program, which provides financial and in-kind assistance to individuals and community entities.

Scope

This procedure applies to all expenditure and in-kind activities associated with grants and donations to individuals and community entities.

Overview

The provisions of grants and donations must be conducted in a transparent and equitable manner that meets all legislative and organisational requirements.

2. Objectives

The objectives of community grants and donations include:

- To expand individual's professional development or community entities' capacity to provide sustainable ongoing services; and
- To increase the number of integrated social services and cultural, sport and recreational development activities to the wider community provided by community-based groups.

3. Interpretation

Applicant means an **Individual** or **Community Entity** applying for funding.

Assessment process is a competitive process to distribute a limited pool of funds, whereby grant applications are selected on merit and assessed against published selection criteria for the relevant grant type, in an informed, fair and equitable manner.

Based means head office location, primary place of business etc.

Community Entity means:

- (a) an entity that carries on activities for a public purpose; or
- (b) another entity whose primary objective is not directed at making a profit; and

For the purposes of this Procedure, **Community Entity** also includes an **Individual**.

Councillor means the Mayor or a Divisional Councillor.

Cultural means:

- (a) of or relating to the shared knowledge and values of a society;
- (b) denoting or deriving from or distinctive of the ways of living, built up by a group of people;
- (c) of or relating to the arts and manners that a group favour.

Social means:

- (a) of or relating to communal living;
- (b) of or relating to human society and its modes of organisation.

Sports and recreation mean physical activity governed by a set of rules or customs and engaged in competitively.

Torres Strait Island Regional Council area means the 15 inhabited island communities of the local government gazetted area of the Torres Strait Island Regional Council.

4. Eligible Entities/Applicants

Applications may be written on behalf of an applicant.

- (a) To be eligible, an applicant must be:
 - (i) an entity that carries on activities for a public purpose; or
 - (ii) an entity whose primary objective is not directed at making a profit; or
 - (iii) an Individual.
- (b) To be eligible, an applicant must not:
 - (i) have breached an agreed current payment plan with Council; or
 - (ii) be a registered political party; or
 - (iii) have exceeded the maximum funding an applicant can access per financial year as per section 11 of this procedure.

5. Eligible Projects/Activities

Eligible applications must be:

- (a) applying for a project or activity taking place within the TSIRC Local Government area; or
- (b) applying for a project or activity benefiting current TSIRC residents.

Eligible applications must not be:

- (a) Requesting funding or support for a project or activity that:
 - (i) has already occurred; or
 - (ii) where necessary permits and approvals have not been obtained; or
 - (iii) does not involve the Torres Strait Island Regional Council residents or communities.
- (b) For projects or activities that:
 - (i) duplicate existing services or programs; or
 - (ii) have a purely political purpose; or
 - (iii) have a life greater than 12 months from date of application for funding.

6. Funding Process

Details of Council's total annual budget allocation and annual budget allocation for each funding program will be published on Council's website and in each Divisional Office. For Regional Grants, the commencement of each funding round will be advertised on Council's website and Facebook page.

Individuals and/or Community Entities applying for funding are required to submit an application form and/or documentation as per the sub-section titled "Application and timing" relevant to each Funding Program below.

An unsuccessful application does not necessarily mean that the project/activity is not worthy of support. Worthwhile applications may not receive funding due to budgetary constraints or the need to balance financial support across the community.

Details of successful applications will be published on Council's website and in each Divisional Office.

7. Conflict of Interest

Council employees involved in assessing applications for assistance must declare to the Chief Executive Officer (in writing), Mayor for the Chief Executive Officer, any real or perceived conflict of interest or material personal interest before the relevant applications are assessed.

Councillors must declare (in writing) to the Chief Executive Officer, Mayor for the Chief Executive Officer, any real or perceived conflict of interest or material personal interest relating to an application before such applications are determined under delegated authority.

All Councillors must declare any real or perceived conflict of interest or material personal interest relating to an application before these are put before the Council for determination. This can be done directly to the Mayor and Chief Executive Officer in writing before a meeting or by declaring a personal interest in the appropriate Council meeting as per usual meeting procedure.

8. In-Kind Assistance

Any in-kind assistance for the use of Council facilities e.g., use of Council vehicle, hire of community hall, corporate and recreational buildings etc must be supported by the Divisional Councillor and approved by the Head of Community Services. Reasonable in-kind assistance will be determined by the Head of Community Services, upon consideration of all relevant factors.

Approved in-kind assistance will be recorded in the executive budget for accountability and transparency.

This in-kind assistance will be processed via an internal charge transaction in Council's accounts and reported as part of Council's contributions made to the community.

Approved transactions relating to in-kind assistance do not impact divisional budget allocations.

9. Grant Programs

Council provides funding to the community via the following programs:

- Regional Grants
- Community Grants
- Funeral Donations

10. Regional Grants

10.1 Application and Timing

Applications for Regional Grants can be submitted during each of the three (3) funding rounds per financial year.

Applications can be for funds and/or in-kind assistance e.g. use of Council facilities or assets through waiver of fees for the purposes of the project/activity.

Application Forms are available from <http://www.tsirc.qld.gov.au/your-council/grants-opportunities/community-grant-program> or by contacting the Grants Officer on 4034 5741.

Details of the 2020/21 funding rounds are shown below:

Funding Round	Opening Date	Closing Date	Assessment Date	Notification Date
1 \$15,000	1 September 2020	22 September 2020	22 September to 25 September 2020	23 October 2020 (Friday after Council meeting)
2 \$20,000	15 December 2020	15 January 2021	15 January to 1 February 2021	19 February 2021 (Friday after Council meeting)
3 \$15,000	15 April 2021	15 May 2021	15 May to 1 June 2021	18 June 2021 (Friday after Council meeting)

Grant applications must be received by 5:00pm on the nominated closing date. Late or incomplete applications will not be accepted.

Applications can be submitted at any TSIRC Divisional Office or via email to enterprise.development@tsirc.qld.gov.au.

Applicants requiring assistance in completing the application forms can contact the Senior Divisional Staff Member or Divisional Manager for assistance.

10.2 Maximum application threshold

Applications can include funds and/or in-kind assistance (e.g. use of Council facilities or assets through waiver of fees) for the purposes of the project/activity.

In all instances, there must be a budgeted allocation to cover the application amount.

The application amount can be a mixture of funds or in-kind assistance; however, the maximum application amounts are:

	Individual	Community Entity
Regional Grant Funding	\$ 500	\$ 2,500

The total annual budget allocation for the Regional Grant Program is \$50,000.

10.3 Ineligible projects

The following projects are ineligible:

- Birthdays
- Tombstone openings
- Graduation events
- Weddings
- Baptisms
- Dedications
- Cultural Initiation
- Engagements

10.4 Ineligible expenditure

Non-allowable Expenditure includes:

- (a) Fund-raising activities
- (b) Prizes - (excluding trophies which are allowable expenditure)
- (c) Alcohol
- (d) Uniforms where Council has funded purchase in the last three years
- (e) Promotional material (including supporter apparel)
- (f) Travel associated with any of the ineligible projects

10.5 Assessment

The grant assessment and selection process aim to fairly select projects that best meet the objectives of the grants program and represent value for money.

Written applications will be assessed using all of the following eligibility and assessment criteria:

Criteria	Examples
Eligible entity as per section 4 of this procedure	<ul style="list-style-type: none">• an individual; or• an entity that carries on activities for a public purpose; and / or• an entity who's primary objective is not directed at making a profit; and• an entity that has not breached an agreed current payment plan with Council; and• an entity that is not a registered political party.
Eligible project/activity as per section 5 of this procedure	<ul style="list-style-type: none">• is taking place within the TSIRC LGA or benefits TSIRC residents; and• has not already occurred; and• is not the subject of litigation; and• does not duplicate existing services or programs; and• does not have a purely political purpose; and• does not have a life greater than 12 months from date of application for funding.
The alignment of the project with Council's plans and values (as stated in Council's Corporate plan):	<p>Art, Culture and People</p> <ul style="list-style-type: none">• Cultural heritage• Community development• Arts and craft• Sport and recreation <p>Environment</p> <ul style="list-style-type: none">• Environmental management• Sustainability of natural resources• Public health• Healthier, safer and connected communities <p>Economic Participation</p> <ul style="list-style-type: none">• Capacity building• Leadership• Programs for young people• Growing local enterprises

The community need for the project or activity	<ul style="list-style-type: none"> • Letter of support from community members • Needs analysis, community consultation
The short- and long-term community benefits resulting from the project or activity	<ul style="list-style-type: none"> • How the project/activity will improve the current situation (e.g. promote safe communities, address social isolation)
A realistic and sound budget with the demonstrated ability to financially manage the grant	<ul style="list-style-type: none"> • The income should be equal to the expenses • Attach quotes • Include all income items, including in-kind, sponsorships and the amount requested from Council
Evidence of a reasonable contribution through other funding or sponsorship for the project or activity; and demonstrated attempt to access additional funding from other sources. i.e., Local businesses and organisations, Federal and State government agencies	<ul style="list-style-type: none"> • Letter from community organisation or individual confirming they will support the activity (e.g. BIF) • Funding Agreement from State or Federal agency. • Response letters from community organisations or individuals advising they cannot fund the project
Level of in-kind support being provided by community members or other organisations	<ul style="list-style-type: none"> • Administration, coordinators • Use of equipment • Hire of facilities
Agreement to acknowledge Council support and assistance of the project or activity including details of acknowledgement. i.e., “sponsored by Torres Strait Island Regional Council” engraved on trophies	<ul style="list-style-type: none"> • Signage, banners, logos • Newsletters • Printed advertisements • Public acknowledgement in speeches

Applications are reviewed by Council’s Grant Officer to ensure that the application is complete.

If insufficient detail is provided in the application form, the Grants Officer will make contact with the applicant and advise of further information that is required to enable assessment.

Upon receipt of a complete application, Council officers will make the initial assessment based on eligibility criteria. Once the complete application has been assessed, it will be forwarded to the Divisional Councillor seeking their support. A recommendation report is then prepared for Council listing the applications that meet the eligibility criteria. The full Council will make the final determination at the monthly Ordinary meetings.

10.6 Approval and payment timing

Applicants will be notified in writing by the Friday after the relevant Council meeting as outlined in section 10.1 of this procedure.

Payments are to be made via purchase order to the bank account of the business nominated on the application form within 14 days of the Council meeting minutes being released.

A remittance advice will be sent to the applicant when the payment is made.

10.7 Acquittals

If successful, the applicant will need to provide an acquittal, including photos, where relevant, within 2 weeks after the event.

Council's Grants Officer will provide the Acquittal Declaration along with the grant payment remittance advice.

If an acquittal declaration is not provided, any future applications for Regional or Community Grants will be deemed ineligible.

11. Community Grants

11.1 Application and Timing

Applications for Community Grants may be made any time throughout the financial year.

Applications can include funds and/or in-kind assistance e.g. use of Council facilities or assets through waiver of fees for the purposes of the project/activity.

Applications are reviewed monthly, with the monthly deadline for assessment being 5pm on the last Friday of the month.

Application Forms are available from <http://www.tsirc.qld.gov.au/your-council/grants-opportunities/community-grant-program> or by contacting the Grants Officer on 4034 5741.

Applications can be submitted at any TSIRC Divisional Office or via email to Enterprise.Development@tsirc.qld.gov.au.

Applicants requiring assistance in completing the application forms can contact the Senior Divisional Staff Member or Divisional Manager for assistance.

11.2 Maximum application threshold

Applications can include funds and/or in-kind assistance (e.g. use of Council facilities or assets through waiver of fees) for the purposes of the project/activity.

In all instances, there must be a budgeted allocation to cover the application amount.

The application amount can be a mixture of funds or in-kind assistance; however, the maximum application amounts are:

	Individual	Community Entity
Community Grant Funding	\$ 2,500	\$ 10,000

11.3 Ineligible projects

The following projects are ineligible:

- Baptisms
- Birthdays
- Graduation events
- Engagements
- Weddings
- Dedications
- Cultural Initiation
- Tombstone openings

11.4 Ineligible expenditure

Non-allowable Expenditure includes:

- (a) Fund-raising activities
- (b) Prizes - (excluding trophies which are allowable expenditure)
- (c) Alcohol
- (d) Uniforms where Council has funded purchase in the last three years
- (e) Promotional material (including supporter apparel)
- (f) Travel associated with any of the ineligible projects

11.4 Assessment

The grant assessment and selection process aim to fairly select projects that best meet the objectives of the grants program and represent value for money.

Written applications will be assessed using all of the following criteria:

Criteria	Examples
Eligible entity as per section 6.0 of this procedure	<ul style="list-style-type: none">• an individual; or• an entity that carries on activities for a public purpose; and / or• an entity who's primary objective is not directed at making a profit; and• an entity that has not breached an agreed current payment plan with Council; and• an entity that is not a registered political party.
Eligible project/activity as per section 7.0 of this procedure	<ul style="list-style-type: none">• is taking place within the TSIRC LGA or benefits TSIRC residents; and• has not already occurred; and• is not the subject of litigation; and• does not duplicate existing services or programs; and• does not have a purely political purpose; and• does not have a life greater than 12 months from date of application for funding.
The alignment of the project with Council's plans and values (as stated in Council's Corporate plan):	<p>Art, Culture and People</p> <ul style="list-style-type: none">• Cultural heritage• Community development• Arts and craft• Sport and recreation <p>Environment</p> <ul style="list-style-type: none">• Environmental management• Sustainability of natural resources• Public health• Healthier, safer and connected communities <p>Economic Participation</p> <ul style="list-style-type: none">• Capacity building• Leadership• Programs for young people• Growing local enterprises

The community need for the project or activity	<ul style="list-style-type: none"> • Letter of support from community members • Needs analysis, community consultation
Letter of support from Divisional Councillor	<ul style="list-style-type: none"> • Letter of support from Councillor outlining community benefit

Applications are reviewed by Council's Grant Officer to ensure that the application is complete.

If insufficient detail is provided in the application form, the Grants Officer will make contact with the applicant and advise of further information that is required to enable assessment.

Upon receipt of a complete application, Council officers will make the initial assessment based on eligibility criteria. Once the complete application has been assessed, it will be forwarded to the Divisional Councillor seeking their support. A recommendation report is then prepared for Council listing the applications that meet the eligibility criteria. The full Council will make the final determination at the monthly Ordinary meetings.

In the event that an application is received outside of these timeframes and is deemed an emergency, approval must be given by the CEO to assess and process the application outside of standard assessment timeframes.

11.5 Approval and payment timing

Upon receipt of the list of endorsed applicants from the Council Meeting, the Chief Financial Officer will approve payment. Payments are processed in the Friday creditor payment run via purchase order to the bank account of the business nominated on the application form.

A remittance advice will be sent to the applicant when payment is made.

11.6 Acquittals

Successful applicants must provide an acquittal, outlining the outcome of the event, community benefits achieved and provide photos where relevant, within 2 weeks after the event.

Council's Grants Officer will provide the Acquittal Declaration along with the grant payment remittance advice.

If an Acquittal Declaration is not provided, any future applications for Regional or Community Grants will be deemed ineligible.

12. Funeral Donations

12.1 Application and Timing

Applications for Funeral Donations may be made at any time throughout the financial year.

An application form and letter or email of support from the Divisional Councillor must be submitted to Enterprise.Development@tsirc.qld.gov.au.

12.2 Assessment

Requests for Funeral donations are assessed by the Grants Officer for eligibility, endorsed by the Divisional Councillor, and finally approved or rejected by the Chief Executive Officer based on assessment and endorsement.

Criteria
Protection of cultural practice
Recognition of cultural protocols
Funeral must be taking place in the Torres Strait LGA
Deceased must be a current TSIRC resident

12.3 Eligible Expenditure

Allowable Expenditure includes:

- (a) Repatriation Costs
- (b) Catering Costs
- (c) Funeral Home Costs

12.4 Maximum application threshold

The maximum amount available for funeral donations is a maximum of \$2,000 per funeral.

	Maximum per funeral
Funeral Donations	\$ 2,000

12.5 Approval and payment timing

Council acknowledges the urgency of funeral donations. In the event that the required payment date falls within the normal creditor payment timeframes, payments will be processed as part of Council's regular creditor payment run every Wednesday and Friday.

Alternatively, if the payment is considered urgent and authorised by the CEO, payments can be processed via a special creditor payment run at the discretion of the CEO.

13. Funeral Travel Assistance

13.1 Application and Timing

Applications for Funeral travel assistance may be made at any time throughout the financial year.

An application form and letter or email of support from the Divisional Councillor must be submitted to Enterprise.Development@tsirc.qld.gov.au.

13.2 Assessment

Requests for Funeral travel instance are assessed by the Grants Officer for eligibility, endorsed by the Divisional Councillor, and finally approved or rejected by the Chief Executive Officer based on assessment and endorsement.

Criteria
Protection of cultural practice
Recognition of cultural protocols
Deceased must have a strong and enduring connection to communities within Council's local government area, and the Torres Strait Region

13.3 Eligible Expenditure

Allowable Expenditure includes:

- (a) Travel cost

13.4 Maximum application threshold

The maximum amount available for funeral travel assistance is a maximum of \$2,000 per funeral per community.

	Maximum per funeral per community
Funeral Travel Assistance	\$ 2,000

13.5 Approval and payment timing

Council acknowledges the urgency of funeral travel. In the event that the required payment date falls within the normal creditor payment timeframes, payments will be processed as part of Council's regular creditor payment run every Wednesday and Friday.

Alternatively, if the payment is considered urgent and authorised by the CEO, payments can be processed via a special creditor payment run at the discretion of the CEO.

14. Maximum Application Threshold for all Grants and Donations

Applications can include funds and/or in-kind assistance e.g. use of Council facilities or assets through waiver of fees for the purposes of the project/activity.

Applications can be submitted under the **Community Grant program** or the **Regional Grant program**, or a combination of the two.

In all instances, there must be a budgeted allocation to cover the application amount.

Applications may be a mixture of cash or in-kind support, however, the maximum application amount applicable for grants are:

	Individual	Community Entity
Community Grant Funding	\$ 2,500	\$ 10,000
Regional Grant Funding	\$ 500	\$ 2,500
Maximum funding per applicant per financial year (exclusive of funeral donations)	\$ 2,500	\$ 10,000

	Maximum per funeral
Funeral Donations	\$ 2,000

	Maximum per funeral per community
Funeral Travel Assistance	\$ 2,000

The amounts quoted above are GST Exclusive.

15. Annual Budget Allocations

The total annual budget allocation for the Regional Grant Program is \$50,000.

The total combined annual budget allocation for the Community Grant Program and Funeral Donations is tabled below:

Program Name	Annual Budget Allocation
Community Grants and Funeral Donations Badu	\$ 25,000
Community Grants and Funeral Donations Boigu	\$ 25,000
Community Grants and Funeral Donations Dauan	\$ 25,000
Community Grants and Funeral Donations Erub	\$ 25,000
Community Grants and Funeral Donations Hammond	\$ 25,000
Community Grants and Funeral Donations Iama	\$ 25,000
Community Grants and Funeral Donations Kubin	\$ 25,000
Community Grants and Funeral Donations Mabuiag	\$ 25,000
Community Grants and Funeral Donations Mer	\$ 25,000
Community Grants and Funeral Donations Poruma	\$ 25,000
Community Grants and Funeral Donations Saibai	\$ 25,000
Community Grants and Funeral Donations St Pauls	\$ 25,000
Community Grants and Funeral Donations Ugar	\$ 25,000
Community Grants and Funeral Donations Warraber	\$ 25,000
Community Grants and Funeral Donations Yorke	\$ 25,000
Community Grants and Funeral Donations Torres Strait Island	\$ 30,000

Regional Council LGA	
Regional Grants	\$ 50,000
TOTAL	\$ 455,000

16. Reporting

The Head of Financial Services will provide monthly reporting to Council detailing expenditure against Regional Grant, Community Grant and Funeral Donation budgets.

In accordance with section 189 of the *Local Government Regulation 2012*, a summary of Council's expenditure on grants must be included in the Annual Report.

17. Unexpended Balances at End of Financial Year

Regional and Community Grant balances held as unexpended at financial year end, will not be carried-forward to the next financial year, in accordance with the legislation.

COMMUNITY GRANT BALANCES AS AT 30 NOVEMBER 2020

Division	Councillor	Budget	Less approved funding	Closing Balance
Boigu	Cr. Toby	25,000.00	3,992.50	21,007.50
Hammond	Cr. Dorante	25,000.00	0.00	25,000.00
St Pauls	Cr. Levi	25,000.00	3,334.16	21,665.84
Ugar	Cr. Stephen	25,000.00	0.00	25,000.00
Badu	Cr. Nona	25,000.00	8,500.00	16,500.00
Dauan	Cr. Elisala	25,000.00	1,990.00	23,010.00
Erub	Cr. Gela	25,000.00	0.00	25,000.00
Iama	Cr. Lui	25,000.00	3,498.41	21,501.59
Kubin	Cr. Trinkoon	25,000.00	0.00	25,000.00
Mabuiag	Cr. Fell	25,000.00	2,500.00	22,500.00
Mer	Cr. Noah	25,000.00	549.82	24,450.18
Poruma	Cr. Pearson	25,000.00	10,000.00	15,000.00
Saibai	Cr. Tabuai	25,000.00	4,500.00	20,500.00
Warraber	Cr. Tamu	25,000.00	4,500.00	20,500.00
Yorke	Cr. Mosby	25,000.00	4,000.00	21,000.00
Mayor	Cr. Mosby	30,000.00	0.00	30,000.00
Regional Grant		50,000.00	0.00	50,000.00
Community Gifts	CEO	37,000.00	0.00	37,000.00
		492,000.00	47,364.89	444,635.11



TORRES STRAIT ISLAND REGIONAL COUNCIL

COUNCIL REPORT

COUNCIL MEETING:	December 2020
DATE:	8/12/2020
ITEM:	Agenda Item for Resolution by Council
SUBJECT:	Acceptable Request and Communication Protocol Policy
AUTHOR:	Mette Nordling, Manager Governance and Compliance

Resolution:

That Council resolves to adopt the Acceptable Request and Communication Protocol Policy; and delegate authority to the Chief Executive Officer (CEO) in accordance with the *Local Government Act 2009* to update appendix 2 of the policy as required and make further minor administrative amendments as they arise.

Executive Summary:

Following legislative changes under the Belcarra reform the existing Communications Guideline has been redrafted to the Acceptable Request and Communication Protocol Policy.

Background:

The *Local Government Act 2009* (Act), section 170 provides that, the Mayor of a local government may give direction to the Chief Executive Officer as long as the direction is not be inconsistent with a resolution or document, adopted by resolution, of the local government.

The Chief Executive Officer must keep a record of each direction given to the Chief Executive Officer and make these available to the local government.

The Act further provides, that no councillor, including the mayor, may give a direction to any other local government employee, except in accordance with guidelines made under section 170AA about the provision of administrative support to councillors

Section 170A provides, that a councillor may ask a local government employee to provide advice to assist the councillor to carry out his or her responsibilities under this Act. (2) A councillor may, subject to any limits prescribed under a regulation, ask the chief executive officer to provide information, that the local government has access to, relating to the local government.

This reinforces the distinction between the governing and operational arms of a local government. Individual Councillors, other than the Mayor, have no legal power to assume any executive or operational role by directing a Council employee to implement a Council decision or take any other action.

Request for assistance or information (*Local Government Act 2009*, section 170A):

A Councillor may ask a local government employee to provide advice or assist the Councillor to carry out his or her responsibilities under the Act.

A Councillor may ask the Chief Executive Officer to provide information, that the local government has access to, relating to the local government.

A request of a Councillor as per above is of no effect if the request does not comply with the acceptable request guidelines.

The Chief Executive Officer must comply with a request made to the Chief Executive Officer as per above within 10 business days after receiving the request; or, if the Chief Executive Officer reasonably believes it is not practicable to comply with the request within 10 business days—within 20 business days after receiving the request.

Acceptable Request Guidelines (*Local Government Act 2009*, section 170A(7)):

The acceptable requests guidelines are guidelines, adopted by resolution of the local government, about the way in which a Councillor may ask a local government employee for advice to help the Councillor carry out his or her responsibilities under the Act; and reasonable limits on requests that a Councillor may make.

Comment:

Following on from legislative changes commencing 12 October 2020 and general feedback from Councillors a new Acceptable Request and Communication Protocol Policy has been drafted.

Councillors have expressed a need to get a clearer picture of who are able to assist Councillors and where information can be obtained.

As per the Act, Councillors can ask a local government employee to provide advice to assist the councillor to carry out his or her responsibilities under the Act.

A draft table has been completed in appendix 2 of the policy to outline which employees are able to provide information and advice to on what matters to Councillors.

It is envisaged that this table will be updated continuously as needs are identified as well as in line with changes in positions etc.

Consultation:

Council's Executive Team.

Links to Strategic Plans:

This policy strategically aligns to specific delivery objectives under all 3 pillars of Council's recently adopted Corporate Plan, being *People*, *Sustainability* and *Prosperity*.

Sustainability:

In terms of delivering sound governance, the ongoing review of this Policy ensures responsible practices are utilised to maintain good working relationships between Councillors and Council employees.

Statutory Requirements:

Local Government Act 2009

Conclusion:

That Council resolves to endorse the Acceptable Request and Communication Protocol Policy and provide delegation to the Chief Executive Officer.



Luke Ranga
Head of Corporate Affairs



Nicola Davies
Acting Chief Financial Officer

Attachments: Acceptable Request and Communication Protocol Policy

Acceptable Request and Communication Protocol Policy

Responsible Manager	Head of Corporate Affairs
Head of power	<i>Local Government Act 2009</i> <i>Local Government Regulation 2012</i>
Authorised by	
Authorised on	
Implemented from	xxxxx
Last reviewed	November 2020
Review history	Xxxxx
To be reviewed on	June 2021
Corporate Plan	People, Sustainability and Prosperity

1. Purpose

Council is strongly committed to having an inclusive, collaborative and sensitive approach to working with Elected members, community members and Council employees.

The purpose of this policy is to recognise the unique nature of our region and its culture and history. It is important this unique history and culture is recognised and incorporated as part of Council's official protocol to facilitate better relationships between our communities, our Elected members and our Council employees.

The policy informs Councillors of their obligations in dealing with Council employees and provide a framework for constructive interactions between Councillors and Council employees.

Councillors, the Chief Executive Officer, Senior Executive Employees and Council Employees must each exhibit in their internal and external communications in an official capacity of Council: -

- a) the Core Values of Council contained in the Corporate Plan;

RESPECT		We have respect for each other and the communities we serve.	<ul style="list-style-type: none">• We respect and exercise Ailan Kastom in everything we do.• We are open and collaborative, valuing clear community engagement.• We recognise and respect diversity, individual needs, experience and strengths.
COURAGE		We are courageous leaders, who think innovatively.	<ul style="list-style-type: none">• We encourage, value and reward creative thinking.• We respect and explore different ideas and perspectives.• We embrace change and actively promote Council's vision.
ACCOUNTABILITY		We are accountable and responsive to our communities.	<ul style="list-style-type: none">• We take pride in our work and pursue a standard of service excellence.• We consistently strive for transparency and good governance to the benefit of public interest.• We are reliable, honest and ethical in all we do.
RESILIENCE		We are builders of a sustainable and resilient region.	<ul style="list-style-type: none">• We actively seek opportunities to continuously improve and bring growth to our region.• We think globally, act regionally.• We empower our people and communities; embracing local opportunity and participation.
ONE		We are one team who achieves together.	<ul style="list-style-type: none">• We show care for people and look out for each other• We speak up and support others to be safe and healthy• We respectfully address behaviours that conflict with Council's values

- b) the Local Government Principles in the *Local Government Act 2009*; and
- c) the Ethics Principles in the *Public Service Ethics Act 1994*.

2. Application and Provisions

This policy applies to all Councillors and Council employees.

To the extent that a Councillor, other than the Mayor or the chairperson of a committee (when the request relates to the role of the chairperson) makes a request for advice or information from a Council employee that does not comply with this policy, that request is of no effect.

This policy is intended to incorporate the 'acceptable requests guidelines' under section 170A(7) of the *Local Government Act 2009* (Qld) (LGA). This is a policy of Council the contravention of which:

- by a Councillor, may be 'misconduct' under the LGA; or
- by a Council employee, may involve disciplinary action being taken against the employee.

This policy does not deal specifically with issues regarding attempts to influence Council employees. Under section 150EZ of the LGA, it is an offence for a Councillor who has a prescribed or declarable interest in a matter, to direct, influence, attempt to influence, or discuss the matter with, another person who is participating in a decision of the local government relating to the matter

3. Scope

- 3.1. Councillors may require information or advice from Council employees in order to perform their responsibilities under the LGA.
- 3.2. In order to uphold the integrity of the relationship between the elected and administrative elements of Council, this Policy specifies:
 - (a) the ways in which Councillors may request information or advice from Council employees, including the reasonable limits on requests that a Councillor may make;
 - (b) from whom within the organisation Councillors may request information or advice; and
 - (c) the manner in which Council employees are to respond to Councillor requests for information or advice.

4. Legislation and Policies

- 4.1. This policy is to be read in conjunction with the following legislative provisions and Council policies:
 - (a) sections 4, 12, 13, 170, 170A, 170AA and 171 of the *Local Government Act 2009* (Qld) (LGA);
 - (b) the *Public Sector Ethics Act 1994* (Qld);
 - (c) Council's Code of Conduct and the Code of Conduct for Councillors in Queensland or any other code of conduct made by the Minister administering the LGA which has taken effect and applies to Council.
- 4.2. A word used in this policy that is not defined in Appendix 1 has the meaning given to it by the following:
 - (a) the LGA; or
 - (b) if the word is not defined in the LGA, the Macquarie Dictionary.

5. Cultural Protocols to be Observed

There are certain Indigenous protocols that must be observed in Council communication:

- 5.1. The practice of not mentioning the name of a deceased Torres Strait Islander person, or displaying photographic images of a deceased person unless agreed to by the relevant family;
- 5.2. Sensitivity to knowledge that is specific to gender (commonly referred to as 'Women's

Business' or 'Men's Business').

- 5.3. Appropriate acknowledgement of guest artists that are either from or supported by the local community. In most cases, members of the community will advise staff of intrusive behaviour and/or if they are not permitted to discuss the protocol or ceremony with staff because of age, gender, status or because staff do not belong to their clan or tribal group. If staff are in doubt, assistance should be sought in the first instance from the Council's Chief Operating Officer.

6. Information or Advice that a Councillor may Request from a Council Employee

- 6.1. Subject to clauses 7, 8, 9 and 10 of this policy, a Councillor may ask a Council employee to:
 - (a) provide advice to assist the Councillor to carry out his or her duties under the LGA; or
 - (b) provide information that Council has access to, relating to Council.

7. Information from Publicly Available Sources and Subscription Services

- 7.1. Wherever practicable, Councillors are encouraged to obtain information themselves from publicly available sources without making a request under this policy, such as:
 - (a) Council's intranet;
 - (b) Council's website; and
 - (c) State Government websites, including Queensland Globe.
- 7.2. Councillors are also encouraged to obtain information themselves from libraries and other services that Council has access to on a subscription basis, including the Local Government Association of Queensland.
- 7.3. Any requests from a Councillor about how to access or utilise the platforms referred to in clauses 7.1 and 7.2 above should ideally be directed to the Senior Executive Assistant to Mayor and CEO either orally or in writing and need not comply with clause 10 below.
- 7.4. However, this policy recognises that requests for publicly available information can be made to any Council officer and need not comply with clause 10 below, provided those requests are limited to Publicly Available Information.

8. Information/Advice that Cannot be Requested

- 8.1. Section 170A(4) of the LGA provides that a Councillor may not request information:
 - a) that is a record of the conduct tribunal; or
 - b) that was a record of a former conduct review body; or
 - c) if disclosure of the information to the Councillor would be contrary to an order of a court or tribunal; or
 - d) that would be privileged from production in a legal proceeding on the ground of legal professional privilege.
- 8.2. In addition, a Councillor may not request information or advice involving any of the following:
 - a) information or advice which is not of the type stated in clause 6 of this policy;

- b) information which is a public interest disclosure under the *Public Interest Disclosure Act 2010* (Qld);
 - c) personal information under the *Information Privacy Act 2009* (Qld);
 - d) the employment records of a Council employee;
 - e) matters relating to the conduct of any Councillor, including any complaint, referral or investigation about that conduct to the extent it is not Publicly Available Information;
 - f) confidential information under the *Crime and Corruption Act 2001* (Qld); and
 - g) information about recruitment of an individual or a recruitment process for a particular role within Council.
- 8.3. However, a Councillor may request information or advice that is confidential information of Council (other than information noted in clause 8.2 above or section 170A(3) of the LGA) or involves a confidential matter provided that:
- a) the request is made under clause 10 of this policy and only to the CEO (and no other Council officer); and
 - b) any information is immediately returned to the CEO at his or her request.
- 8.4. Clause 8.2(e) does not apply to a Councillor who is managing the investigation of suspected inappropriate conduct of other Councillors in accordance with an investigation policy adopted by Council under section 150AE of the LGA.

9. Directions

- 9.1. Under no circumstances may a Councillor give a direction to a Council employee.
- 9.2. Despite clause 9.1, the Mayor may give a direction to the CEO in accordance with section 170 of the LGA.

10. Manner in which a Councillor can Request Information from a Council Employee

- 10.1. A Councillor may only request information from a Council employee if all the following criteria are satisfied:
- a) the request is made to:
 - (i) the CEO; or
 - (ii) an employee acting in a position identified in Column 1 in the table in Appendix 2, if:
 - A. the request is made in relation to a subject area identified as appropriate for that position in Column 2 of that table; and
 - B. the request is of an appropriate type identified for that employee in Column 3 of that table; and
 - b) the request is made in writing, unless:
 - (i) the request involves information which is generally accessible to the public;
 - (ii) in the case of a request made to the CEO, Chief or Head of Department, the employee agrees that a verbal request is sufficient in the circumstances and the employee records the details of a request in a file note;
 - (iii) in the case of any other employee identified in Column 1 in the table in

Appendix 2, the Chief or Head of Department to whom that employee reports has agreed that a verbal request is sufficient in the circumstances and the employee records the details of a request in a file note; or

- (iv) in the case of an emergency; and
- c) the request is made in good faith; and
- d) the request would not involve an unreasonable use of a Council employee's time having regard to the resources available to Council.

11. Responding to Councillor Requests

- 11.1. If a Council employee receives a request from a Councillor that the employee considers does not comply with this policy, the employee may refuse to deal with that request by:
- a) in the case of the CEO, taking an Action in accordance with clause 11.4 of this policy;
 - b) in the case of an Executive, notifying the CEO about the request and the reasons for the employee's concerns;
 - c) in the case of a Head of Department, notifying the Executive to whom they report about the request and the reasons for the employee's concerns; or
 - d) in the case of any other employee, notifying the Head of Department or Executive to whom they report about the request and the reasons for the employee's concerns.
- 11.2. If a Head of Department or an Executive receives a notification pursuant to clause 11.1 of this policy, that person must consider the concerns identified and make one of the following decisions:
- a) the Councillor's request does not comply with this policy, in which case that person must take an Action in accordance with clause 11.4 of this policy;
 - b) the Councillor's request complies with this policy, in which case that person will direct the relevant employee to comply with the Councillor's request in accordance with clause 11.5 of this policy; or
 - c) the concerns raised in relation to the Councillor's request need to be elevated to a more senior employee for consideration.
- 11.3. If the CEO receives a notification pursuant to either clause 11.1 or clause 11.2 of this policy, the CEO must consider the concerns identified by the employee and make one of the following decisions:
- a) the Councillor's request does not comply with this policy, in which case the CEO must take an Action in accordance with clause 11.4 of this policy; or
 - b) the Councillor's request complies with this policy, in which case the CEO will direct the relevant employee to comply with the Councillor's request in accordance with clause 11.5 of this policy.
- 11.4. If a Head of Department, an Executive or the CEO decides that a request made by a Councillor does not comply with this policy, that person must notify the Councillor that an Action is required to be taken in relation to the request for information or advice.
- 11.5. If an employee receives a request for information or advice from a Councillor that the employee considers, or that the employee has been directed pursuant to clause 11.2(b) or 11.3(b) of Guidelines, complies with this policy, the employee must:
- a) in writing to the Councillor:

- (i) confirm receipt of the request and the scope of the request within 24 hours if possible;
 - (ii) indicate the turnaround time to provide the information or advice requested; and
 - b) provide the information or advice requested to the Councillor within that turnaround time and as soon as reasonably practicable.
- 11.6. Paragraph 11.5(a) is subject to factors such as (but not limited to) availability of the recipient to acknowledge receipt, competing priorities of the recipient, and outage of communications.
- 11.7. Notwithstanding paragraph 11.6, Councillors, the Chief Executive Officer, Senior Executive Employees and Council Employees shall do all things reasonably practicable to meet acceptable response times whilst absent from duty/otherwise occupied (including enabling Outlook Out of Office Assistant, having staff check emails and acknowledge receipt in the recipient's absence, and diverting phones to alternate staff in the recipient's absence).

12. Councillor Challenge

- 12.1. If a Councillor is dissatisfied with an Action required under clause 11.4 of this policy, other than in relation to an Action required to be taken by the CEO, the Councillor may notify his or her concerns to the person to whom the employee reports.
- 12.2. If a Councillor is dissatisfied with either the proposed or actual turnaround time for a request or with the type or extent of information provided in response to a request under clause 11.5 of this policy, other than in relation to a request made to the CEO, the Councillor may notify his or her concerns to the person to whom the employee reports.
- 12.3. If a Councillor has notified a person about a concern under clauses 12.1 or 12.2 of this policy, the person must undertake a review as soon as practicable and advise the Councillor in writing about how the concern will be addressed (if at all).
- 12.4. If a Councillor is dissatisfied with a review decision made pursuant to clause 12.3, and the person who made the review decision is not the CEO, the Councillor may notify his or her concerns to the CEO. The CEO must undertake a review as soon as practicable and advise the Councillor in writing about how the concern will be addressed (if at all).
- 12.5. If a Councillor (other than the Mayor) is dissatisfied with:
- a) an Action required by the CEO pursuant to clause 11.4 of this policy;
 - b) the CEO's proposed or actual turnaround time for a request under clause 11.5 of this policy;
 - c) the type or extent of information provided by the CEO in response to a request under clause 11.5 of this policy; or
 - d) a decision made by the CEO under either clause 12.3 or clause 12.4 of this policy, the Councillor may notify the Mayor about his or her concern.
- 12.6. Clause 12.7 applies if:
- a) a Councillor notifies the Mayor of a concern under clause 12.5 of this policy; or
 - b) with respect to a request by the Mayor under this policy, the Mayor is dissatisfied with the response to the request.
- 12.7. The Mayor may bring the matter to the attention of the CEO (either orally or in writing).
- 12.8. Unless the Mayor gives a direction to the CEO under section 170(1) of the LGA, the

CEO may deal with the concern brought to his or her attention under clause 12.7 as the CEO considers appropriate.

13. Councillor Use of Information

A Councillor must only use information or advice obtained from a Council employee for a proper purpose and must not use the information or advice in contravention of section 171 of the LGA.

14. Forms of address

14.1. When addressing a Councillor in conversation, the Chief Executive Officer, Senior Executive Employees and Council Employees shall seek to address:

- a) the Mayor as “Mayor”, “Mr/Mrs/Ms Mayor”, “Mayor [SURNAME]”, “Councillor [SURNAME]”, or “Councillor”; and
- b) the Deputy Mayor as “Deputy Mayor”, “Mr/Mrs/Ms Deputy Mayor”, “Deputy Mayor [SURNAME]”, “Councillor [SURNAME]”, or “Councillor”; and
- c) Councillors other than the Mayor as “Councillor [SURNAME]”, or “Councillor”.

14.2. When addressing Ministers or Members of Parliament, the Chief Executive Officer, Senior Executive Employees and Council Employees shall seek to address: -

- a) the Prime Minister as “Prime Minister”, “Mr/Mrs/Ms Prime Minister”; and
- b) the Premier as “Premier”, “Mr/Mrs/Ms Premier”; and
- c) Ministers, as “Minister [SURNAME]”, or “Minister”; and
- d) Members of Parliament as “Mr/Mrs/Ms/Dr Last Name”.

15. Forms of address

15.1. The Chief Executive Officer may make changes to, and update appendix 2 as required.

Appendix 1 – Definitions

Each of the terms in Column 1 in the below Table has the meaning given in Column 2

Term	Meaning
Action	An action that may be taken in relation to a Councillor request pursuant to clause 11.4 of this Policy. An Action may include, for example, that: a) the request be directed to another employee; b) the scope of the request be re-drafted; or c) the request be made in writing.
Head of Department	Head of Department. A Head of Department is a senior Council employee, who reports directly to an Executive.
CEO	The Chief Executive Officer of Council appointed pursuant to section 194 of the LGA.
Council	Torres Strait Island Regional Council
Councillor	An elected member of Council, including the Mayor.
Emergency	An event or situation that involves an imminent and definite threat requiring immediate action (whether before, during or after the event or situation). An emergency may include a storm, fire, flood or similar happening, or a riot or open violence.
Executive	Chief Engineer, Chief Financial Officer, Chief Operational Officer. An Executive is a Senior Executive Employee.
Policy	This document, which is Council's 'acceptable requests guidelines' under section 170A(7) of the LGA.
LGA	Local Government Act 2009 (Qld)
Publicly Available Information	Information in a register or other instrument required to be kept by Council under a relevant Act or Regulation, including under the LGA, the <i>Planning Act 2016</i> (Qld) or the Environmental Protection Act 1994 (Qld), that is accessible by a member of the public either free of charge or on payment of a fee.
Senior Executive Employee	A Council employee: a) who reports directly to the Chief Executive Officer; and b) whose position ordinarily would be considered to be a senior position in the local government's corporate structure. For clarity, an Executive is a Senior Executive Employee.
Technical Advice	Advice strictly limited to the mechanics or technicalities of a particular subject area of a Council employee's employment.

Appendix 2

Position Name (Column 1)	Subject Area (Column 2)	Complexity (within subject area) (Column 3)	Other comments
Office of CEO			
Senior Executive Assistant to Mayor and CEO	Information regarding meetings, booking of flights to attend Council business	Any	
Operations			
Head of Community Services	All responsible programs and services	Any	
Head of Building Services	All responsible programs and services	Any	
Finance & Corporate Affairs			
Chief Financial Officer	Finance, Procurement and Payables, Information Services Policy and Operational issues.	Any	
Head of Financial Services	Financial reporting and performance, budget, treasury, asset management, payroll, and creditors.	Any	
Head of Corporate Affairs	Procurement, Governance, Enterprise Development, Customer Services, Media, Mayoral speeches	Any	
Payroll Officers	Payment Summary		
Manager Information Technology Services	IT Matters and Help Desk	Any	
Manager Governance and Compliance	Councillor meeting procedures, conflicts of interest, Belcarra reform	Any	
Enterprise Development Manager	Funding matters, enterprise development, tourism strategy	Any	
Grants Officer	Community Grant Program		

Engineering			
Chief Engineer	Engineering Policy, Service delivery levels, Strategy, Climate change/environment, Community needs, Infrastructure needs	Any	
Manager Engineering Operations	Disaster Management, Engineering Operations	Any	
Manager Water and Wastewater	Water and Wastewater Service and Projects	Any	
Manager Capital Works	Engineering Infrastructure Project Delivery	Any	



TORRES STRAIT ISLAND REGIONAL COUNCIL

COUNCIL REPORT

COUNCIL MEETING: December 2020

DATE: 8/12/2020

ITEM: Agenda Item for Resolution by Council

SUBJECT: Terms of Reference for Standing Committees

AUTHOR: Mette Nordling, Manager Governance and Compliance

Resolution:

That Council resolves to:

- 1 Endorse the updated Terms of Reference for the Standing Committees.

Executive Summary:

After the establishment of Council's Standing Committees at Council's Ordinary Meeting in July 2020, where the standing committees were established and the members for each committee elected, the Terms of Reference for each of the subject committee has been updated.

This update reflects the inclusion of the Executive Officer support for each committee.

Comment:

Following the Strategic Advisory Reference Group's meeting in November 2020 the SARG Committee agreed on the following executive support:

Standing Committee	Executive Support
SARG	Chief Executive Officer
Governance and Leadership Committee	Chief Operational Officer
Housing and Safe and Healthy Communities Committee	Chief Operational Officer and Chief Engineer
Climate Change Adaptation and Environment Committee	Chief Engineer
Economic Growth Committee	Chief Financial Officer
Cultural Arts, Land and Heritage Committee	Chief Operating Officer

Recommendation:

That Council resolves to endorse the updated Terms of Reference.

Mette Nordling
Manager, Governance and Compliance

Nicola Davies
Acting Chief Financial Officer

Attachments: Updated Terms of Reference for each committee



Terms of Reference for the Culture, Arts, Land and Heritage Committee

1. Objective

The Culture, Arts, Land and Heritage Committee is established as a standing committee under section 264 of the *Local Government Regulation 2012*.

The Committee members should:

- Be proactively involved in the portfolio area
- Review and shape Council's policy position of portfolio area
- Develop desktop management system for the portfolio area
- Develop, advocate and lead community engagement process/program with key stakeholders and departments in the portfolio area
- Represent the Mayor/Deputy at conferences/workshops/meetings in the absence of the Mayor/Deputy
- Address Council on strategic matters in relations to the portfolio areas
- Provide cultural advice and assistance

2. Portfolio Area

The Committee's portfolio area covers:

- Alian Kastom
- Cultural Heritage Advisory Committee
- Language & Arts Advisory Committee
- Regional Events
- Reconciliation Action Plan (RAP)
- Native Title
- Deeds of Grant in Trust
- Land transfer

3. Term

The Culture, Arts, Land and Heritage Committee is effective from 1 August 2020 until terminated by Council.

4. Membership

Members shall be:

- The Mayor
- Three Councillors – as nominated by Council

The Council will determine who will be the chair.

Councillor members elected by Council at Council's June 2020 Ordinary Meeting:

- Cr Noah - **Chair**
- Cr Elisala
- Cr Nona

5. Standing Orders and Meeting Procedures

Council's Standing Orders Policy and Meeting Procedures Policy apply to the meetings of the Committee.

Where a member misses two consecutive meetings without formal apology, the member will be removed from the Committee and Council will nominate a replacement at its next ordinary meeting.

6. Meetings

The Committee will meet quarterly unless otherwise scheduled. The Committee will meet monthly unless otherwise scheduled. These meeting will be open to the public unless the Committee resolve to close the meeting under section 275 of the *Local Government Regulation 2012*.

Meeting quorum shall be two members.

Attendance may be via videoconference or teleconference; however, the Reference Group will meet face-to-face wherever possible by aligning meeting times with other Council approved travel e.g. Monthly Council Meetings, Council workshops.

Agenda items and papers must be provided to the Secretariat at least ten (10) working days prior to the meeting date. Late submissions will only be included with the written approval of the Chair.

Agenda items and papers will be distributed via email to members at least five (5) working days prior to the meeting date.

Written minutes are required to be published within ten days of the meeting and endorsed at the following Ordinary meeting.

7. Amendment, Modification or Variation

These Terms of Reference may be amended, varied or modified in writing with approval from Council.

8. Executive Support

An Executive Officer will be assigned to the Committee to provide support to the committee members and be liaison between the elected members and the administration.

Executive Officer assigned to Committee: Chief Operating Officer

9. Administrative Support

Secretariat support will be provided by the Secretariat Office.

Terms of Reference endorsed by Council resolution at xxxxx 2020 Ordinary Meeting.

Terms of Reference for the Governance and Leadership Committee

1. Objective

The Governance and Leadership Committee is established as a standing committee under section 264 of the *Local Government Regulation 2012*.

The Committee members should:

- Be proactively involved in the portfolio area
- Review and shape Council's policy position of portfolio area
- Develop desktop management system for the portfolio area
- Develop, advocate and lead community engagement process/program with key stakeholders and departments in the portfolio area
- Represent the Mayor/Deputy at conferences/workshops/meetings in the absence of the Mayor/Deputy
- Address Council on strategic matters in relations to the portfolio areas
- Provide cultural advice and assistance

2. Portfolio Area

The Committee's portfolio area covers:

- Regional Assembly
- Transition Action Plan (TAP)
- Torres Strait Treaty
- Local Government Boundaries

3. Term

The Governance and Leadership Committee is effective from 1 August 2020 until terminated by Council.

4. Membership

Members shall be:

- The Mayor
- Three Councillors – as nominated by Council

The Council will determine who will be the chair.

Councillor members elected by Council at Council's June 2020 Ordinary Meeting:

- Cr Lui - **Chair**
- Cr Trinkoon
- Cr Toby

5. Standing Orders and Meeting Procedures

Council's Standing Orders Policy and Meeting Procedures Policy apply to the meetings of the Committee.

Where a member misses two consecutive meetings without formal apology, the member will be removed from the Committee and Council will nominate a replacement at its next ordinary meeting.

6. Meetings

The Committee will meet quarterly unless otherwise scheduled. The Committee will meet monthly unless otherwise scheduled. These meeting will be open to the public unless the Committee resolve to close the meeting under section 275 of the *Local Government Regulation 2012*.

Meeting quorum shall be two members.

Attendance may be via videoconference or teleconference; however, the Reference Group will meet face-to-face wherever possible by aligning meeting times with other Council approved travel e.g. Monthly Council Meetings, Council workshops.

Agenda items and papers must be provided to the Secretariat at least ten (10) working days prior to the meeting date. Late submissions will only be included with the written approval of the Chair.

Agenda items and papers will be distributed via email to members at least five (5) working days prior to the meeting date.

Written minutes are required to be published within ten days of the meeting and endorsed at the following Ordinary meeting.

7. Amendment, Modification or Variation

These Terms of Reference may be amended, varied or modified in writing with approval from Council.

8. Executive Support

An Executive Officer will be assigned to the Committee to provide support to the committee members and be liaison between the elected members and the administration.

Executive Officer assigned to Committee: Chief Operating Officer

9. Administrative Support

Secretariat support will be provided by the Secretariat Office.

Terms of Reference endorsed by Council resolution at xxxxxx 2020 Ordinary Meeting.

Terms of Reference for the Economic Growth Committee

1. Objective

The Economic Growth Committee is established as a standing committee under section 264 of the *Local Government Regulation 2012*.

The Committee members should:

- Be proactively involved in the portfolio area
- Review and shape Council's policy position of portfolio area
- Develop desktop management system for the portfolio area
- Develop, advocate and lead community engagement process/program with key stakeholders and departments in the portfolio area
- Represent the Mayor/Deputy at conferences/workshops/meetings in the absence of the Mayor/Deputy
- Address Council on strategic matters in relations to the portfolio areas
- Provide cultural advice and assistance

2. Portfolio Area

The Committee's portfolio area covers:

- Divestment of Enterprises
- Regional Stimulus Projects
- Industry Development
- Torres Strait Procurement Policy
- Connectivity & Tele-communication

3. Term

The Economic Growth Committee is effective from 1 August 2020 until terminated by Council.

4. Membership

Members shall be:

- The Mayor
- Three Councillors – as nominated by Council

The Council will determine who will be the chair.

Councillor members elected by Council at Council's June 2020 Ordinary Meeting:

- Cr Stephen - **Chair**
- Cr Tabuai
- Cr Gela

5. Standing Orders and Meeting Procedures

Council's Standing Orders Policy and Meeting Procedures Policy apply to the meetings of the Committee.

Where a member misses two consecutive meetings without formal apology, the member will be removed from the Committee and Council will nominate a replacement at its next ordinary meeting.

6. Meetings

The Committee will meet quarterly unless otherwise scheduled. The Committee will meet monthly unless otherwise scheduled. These meeting will be open to the public unless the Committee resolve to close the meeting under section 275 of the *Local Government Regulation 2012*.

Meeting quorum shall be two members.

Attendance may be via videoconference or teleconference; however, the Reference Group will meet face-to-face wherever possible by aligning meeting times with other Council approved travel e.g. Monthly Council Meetings, Council workshops.

Agenda items and papers must be provided to the Secretariat at least ten (10) working days prior to the meeting date. Late submissions will only be included with the written approval of the Chair.

Agenda items and papers will be distributed via email to members at least five (5) working days prior to the meeting date.

Written minutes are required to be published within ten days of the meeting and endorsed at the following Ordinary meeting.

7. Amendment, Modification or Variation

These Terms of Reference may be amended, varied or modified in writing with approval from Council.

8. Executive Support

An Executive Officer will be assigned to the Committee to provide support to the committee members and be liaison between the elected members and the administration.

Executive Officer assigned to Committee: Chief Financial Officer

9. Administrative Support

Secretariat support will be provided by the Secretariat Office.

Terms of Reference endorsed by Council resolution at xxxxx 2020 Ordinary Meeting.

Terms of Reference for the Housing and Safe and Healthy Communities Committee

1. Objective

The Housing and Safe and Healthy Communities Committee is established as a standing committee under section 264 of the *Local Government Regulation 2012*.

The Committee members should:

- Be proactively involved in the portfolio area
- Review and shape Council's policy position of portfolio area
- Develop desktop management system for the portfolio area
- Develop, advocate and lead community engagement process/program with key stakeholders and departments in the portfolio area
- Represent the Mayor/Deputy at conferences/workshops/meetings in the absence of the Mayor/Deputy
- Address Council on strategic matters in relations to the portfolio areas
- Provide cultural advice and assistance

2. Portfolio Area

The Committee's portfolio area covers:

- Housing
- Water and Wastewater
- Access and transport
- Health
- Master Planning

3. Term

The Housing and Safe and Healthy Communities Committee is effective from 1 August 2020 until terminated by Council.

4. Membership

Members shall be:

- The Mayor
- Three Councillors – as nominated by Council

The Council will determine who will be the chair.

Councillor members elected by Council at Council's June 2020 Ordinary Meeting:

- Cr Fell - **Chair**
- Cr Levi
- Cr Pearson

5. Standing Orders and Meeting Procedures

Council's Standing Orders Policy and Meeting Procedures Policy apply to the meetings of the Committee.

Where a member misses two consecutive meetings without formal apology, the member will be removed from the Committee and Council will nominate a replacement at its next ordinary meeting.

6. Meetings

The Committee will meet quarterly unless otherwise scheduled. The Committee will meet monthly unless otherwise scheduled. These meeting will be open to the public unless the Committee resolve to close the meeting under section 275 of the *Local Government Regulation 2012*.

Meeting quorum shall be two members.

Attendance may be via videoconference or teleconference; however, the Reference Group will meet face-to-face wherever possible by aligning meeting times with other Council approved travel e.g. Monthly Council Meetings, Council workshops.

Agenda items and papers must be provided to the Secretariat at least ten (10) working days prior to the meeting date. Late submissions will only be included with the written approval of the Chair.

Agenda items and papers will be distributed via email to members at least five (5) working days prior to the meeting date.

Written minutes are required to be published within ten days of the meeting and endorsed at the following Ordinary meeting.

7. Amendment, Modification or Variation

These Terms of Reference may be amended, varied or modified in writing with approval from Council.

8. Executive Support

An Executive Officer will be assigned to the Committee to provide support to the committee members and be liaison between the elected members and the administration.

Executive Officer assigned to Committee: Chief Engineer and Chief Operating Officer

9. Administrative Support

Secretariat support will be provided by the Secretariat Office.

Terms of Reference endorsed by Council resolution at xxxx 2020 Ordinary Meeting.

Terms of Reference for the Climate Change Adaptation and Environment Committee

1. Objective

The Climate Change Adaptation and Environment Committee is established as a standing committee under section 264 of the *Local Government Regulation 2012*.

The Committee members should:

- Be proactively involved in the portfolio area
- Review and shape Council's policy position of portfolio area
- Develop desktop management system for the portfolio area
- Develop, advocate and lead community engagement process/program with key stakeholders and departments in the portfolio area
- Represent the Mayor/Deputy at conferences/workshops/meetings in the absence of the Mayor/Deputy
- Address Council on strategic matters in relations to the portfolio areas
- Provide cultural advice and assistance

2. Portfolio Area

The Committee's portfolio area covers:

- Torres Strait Climate Change Strategy
- Torres Strait Sea Wall Program/Project
- Torres Strait and North Peninsula Area Biosecurity Plan
- Renewable Energy Productions
- Waste Management
- Land & Sea Management

3. Term

The Climate Change Adaptation and Environment Committee is effective from 1 August 2020 until terminated by Council.

4. Membership

Members shall be:

- The Mayor
- Three Councillors – as nominated by Council

The Council will determine who will be the chair.

Councillor members elected by Council at Council's June 2020 Ordinary Meeting:

- Cr H Mosby - **Chair**
- Cr Tamu
- Cr Dorante

5. Standing Orders and Meeting Procedures

Council's Standing Orders Policy and Meeting Procedures Policy apply to the meetings of the Committee.

Where a member misses two consecutive meetings without formal apology, the member will be removed from the Committee and Council will nominate a replacement at its next ordinary meeting.

6. Meetings

The Committee will meet quarterly unless otherwise scheduled. The Committee will meet monthly unless otherwise scheduled. These meeting will be open to the public unless the Committee resolve to close the meeting under section 275 of the *Local Government Regulation 2012*.

Meeting quorum shall be two members.

Attendance may be via videoconference or teleconference; however, the Reference Group will meet face-to-face wherever possible by aligning meeting times with other Council approved travel e.g. Monthly Council Meetings, Council workshops.

Agenda items and papers must be provided to the Secretariat at least ten (10) working days prior to the meeting date. Late submissions will only be included with the written approval of the Chair.

Agenda items and papers will be distributed via email to members at least five (5) working days prior to the meeting date.

Written minutes are required to be published within ten days of the meeting and endorsed at the following Ordinary meeting.

7. Amendment, Modification or Variation

These Terms of Reference may be amended, varied or modified in writing with approval from Council.

8. Executive Support

An Executive Officer will be assigned to the Committee to provide support to the committee members and be liaison between the elected members and the administration.

Executive Officer assigned to Committee: Chief Engineer

9. Administrative Support

Secretariat support will be provided by the Secretariat Office.

Terms of Reference endorsed by Council resolution at xxxx 2020 Ordinary Meeting.

Terms of Reference for the Strategic Advisory Reference Group

1. Objective

The Strategic Advisory Reference Group Committee (SARG) is established as a standing committee under section 264 of the *Local Government Regulation 2012*.

The objective of the committee is to provide leadership on the strategic position and direction of Council arising from all external and internal influencers and their impacts resulting from various sources including:

- International developments
- Governmental Reforms
- Council vision and strategic direction
- Internal review of organisational structure
- Budgetary and/or financial funding changes
- Audit findings and recommendations

Scope may include:

- Strategic direction
- Council strategic plans and policies
- Long Term Financial Forecasts
- Council Performance Management, Measurement, Benchmarking
- Strategic Staffing Initiatives
- Strategic Asset Management
- Facilities including office and residential accommodations

2. Term

The Strategic Advisory Reference Group Committee is effective from 1 August 2020 until terminated by Council.

3. Membership

Members shall be:

- The Mayor – **Cr P Mosby**
- The Chairs of Council's other standing committees
 - Culture, Arts, Land and Heritage Committee – **Cr Noah**
 - Governance and Leadership Committee – **Cr Lui**
 - Economic Growth Committee – **Cr Stephen**
 - Housing, and Safe and Healthy Communities Committee – **Cr Fell**
 - Climate Change Adaption and Environment Committee – **Cr H Mosby**

The respective chair of the five other standing committees may appoint another member of the specific committee to act as a proxy and attend meetings of the SARG Committee, if the committee chair is unavailable to attend a meeting of the SARG Committee.

The Mayor will be the chair of the Strategic Advisory Reference Group Committee

4. Standing Orders and Meeting Procedures

Council's Standing Orders Policy and Meeting Procedures Policy apply to the meetings of the Committee.

Where a member misses two consecutive meetings without formal apology, the member will be removed from the Committee and Council will nominate a replacement at its next general meeting

5. Meetings

The Committee will meet monthly unless otherwise scheduled. These meeting will be open to the public unless the Committee resolve to close the meeting under section 275 of the *Local Government Regulation 2012*.

The Committee may nominate one (1) Councillor to be an alternate member in the case of absence of one or more Councillor members from a Committee meeting. The alternate member must be endorsed by Council resolution. The alternate member is the only permissible proxy for the Councillor members.

Meeting quorum shall be the chair plus three members.

Attendance may be via videoconference or teleconference; however, the Reference Group will meet face-to-face wherever possible by aligning meeting times with other Council approved travel e.g. Monthly Council Meetings, Council workshops.

Agenda items and papers must be provided to the Secretariat at least ten (10) working days prior to the meeting date. Late submissions will only be included with the written approval of the Chair.

Agenda items and papers will be distributed via email to members at least five (5) working days prior to the meeting date.

Written minutes are required to be published within ten days of the meeting and endorsed at the following Ordinary meeting.

6. Amendment, Modification or Variation

These Terms of Reference may be amended, varied or modified in writing with approval from Council.

7. Executive Support

Executive Officer assigned to Committee: Chief Executive Officer

The Chief Executive Officer, Chief Financial Officer, Chief Operating Officer and Chief Engineer will attend meetings of the Strategic Advisory Reference Group Committee.

Other officers will be invited to attend as required.

8. Administrative Support

Administrative support will be provided by the Secretariat Office.

Terms of Reference endorsed by Council resolution at October 2020 Ordinary Meeting.

TORRES STRAIT ISLAND REGIONAL COUNCIL

CLOSED BUSINESS REPORT

ORDINARY MEETING: December 2020

DATE: 8th – 9th December 2020

ITEM: Closed Session - Agenda Item for Resolution by Council

SUBJECT: Closed Session - Contractual Matter – 46 Aikuru Street, Warraber

AUTHOR: Nicholas Sturges, Acting Building Services Maintenance Manager

Resolution:

Council resolves to:


1. Submit a tender to the Queensland State Government through the Department of Housing and Public Works to carry out various upgrade works at 46 Aikuru Street, Warraber Island (WS153764) with a tender price of \$264,422.40 excl of GST
- and
2. delegate to the Chief Executive Officer's submit the tender, enter into contracts, negotiate, finalise and execute any and all matters in relation to this tender.

Purpose:

The purpose of this report is to get Council's endorsement for Council to tender for this work with QBuild.

Background:

General	
Search Description:*	House - Lot 46 on SP270859 aka Lot 11 (S
Description:	House - Lot 46 on SP270859 aka Lot 11 (SLUP) Phillemon St. Warraber Island
Short Description:*	House - Lot 46 on SP
Asset Status:*	Commissioned
Bar Code:	
Commission Date:	30/06/1983
Expected Commissioning:	
Disposal/Write-off Date:	
Asset Condition:*	2.5 Fair Condition
AMP Category:*	BLDGCOMM Buildings Community
AMP Facility:*	HOUSING Housing Network
PPE Reporting Ctrgy:*	BLDCOM Buildings (Community)
Legacy PCS Number:	5715
SAM ID:	1002700.1
Heritage Asset:	NO No



Primary Image: 1002700.jpg



Upgrade Works that include internal and external upgrades. Works are inclusive of internal/ external painting, bathroom upgrade, roof screw replacement works, kitchen upgrade, general plumbing, and electrical works.

Council has no influence on whether this work go ahead, as this is works commissioned by the State Government through the Department of Housing and Public Works.

If Council does not tender for this work, QBuild will issue this work as a public tender or award the work to a State Government pre-qualified supplier.

TSIRC Building Services completes approximately 140 tenders for work commissioned by the State and Federal Governments each financial year.

Department of Housing and Public Works through QBuild issue the tender documentation to TSIRC Building Services to respond to.

TSIRC Building Services must complete an estimation and the tender documentation for submission back to QBuild within an approximate 2-week timeframe.

The QBuild approved tender submission price becomes the formal agreement to initiate construction works.

The price submitted to QBuild includes a margin for Council. When the tender is awarded to Council, Council commences its own procurement process to engage a contractor to carry out the works on behalf of Council. The difference between the tendered price to QBuild and the contract award price to the contractor becomes Council's revenue.

Consultation:

- Acting Chief Executive Officer
- Chief Operational Officer
- Manager, Governance & Compliance

Finance & Risk:

TSIRC Building Services is bound by the tender submission to complete the works / services and invoice for the tendered amount.

TSIRC Building Services receive the first right of refusal for works to be carried out on TSIRC islands.

Non approved delays in submitting the tender could result in offer for works /services to be offered to another party.

Sustainability:

Tender submissions returned within the allocated timeframe enhances the workability of the relationship between TSIRC Building Services and QBuild for proactive outcomes.

Conclusion:

That Council resolves to submit this tender and delegate to the CEO to tender, enter into contracts, negotiate, finalise and execute any and all matters in relation to this Tender.

Endorsed:

Ilario Sabatino
Chief Operating Officer

Recommended:

Hollie Faithfull
Acting Chief Executive Officer

TORRES STRAIT ISLAND REGIONAL COUNCIL

CLOSED BUSINESS REPORT

ORDINARY MEETING: December 2020

DATE: 8th- 9th December 2020

ITEM: Closed Session - Agenda Item for Resolution by Council

SUBJECT: Closed Session - Contractual Matter – 33B Dabus Street, Warraber

AUTHOR: Nicholas Sturges, Acting Building Services Maintenance Manager

Resolution:

Council resolves to:


1. Submit a tender to the Queensland State Government through the Department of Housing and Public Works to carry out various upgrade works at 33B Dabus Street, Warraber Island (WS153789) with a tender price of \$280,488.20 excl of GST
- and
2. delegate to the Chief Executive Officer's submit the tender, enter into contracts, negotiate, finalise and execute any and all matters in relation to this tender.

Purpose:

The purpose of this report is to get Council's endorsement for Council to tender for this work with QBuild.

Background:

Search Description:	House - Pt Lot 47 on SP270859 aka Lot 33	
Description:	House - Pt Lot 47 on SP270859 aka Lot 332 (SLUP) Dabus St aka Lot 33B (DOH) Dabus St, Warraber Island	
Short Description:	House - Pt Lot 47 on	
Asset Status:	Commissioned	
Asset Code:		
Commission Date:	30/06/1983	
Expected Commissioning:		
Disposal/Write-off Date:		
Asset Condition:	2	Good Condition
MP Category:	BLDGCOMM	Buildings Community
MP Facility:	HOUSING	Housing Network
PE Reporting Ctry:	BLDCOM	Buildings (Community)
Legacy PCS Number:	5720	
AM ID:	1002705.1	
Is it a Asset:	NO	



Primary Image: 1002705.jpg



Upgrade Works that include internal and external upgrades. Works are inclusive of internal/ external works, painting, bathroom upgrade, kitchen upgrade, roof gutter replacement works, new general plumbing, and electrical works on a double storey home.

Council has no influence on whether this work go ahead, as this is works commissioned by the State Government through the Department of Housing and Public Works.

If Council does not tender for this work, QBuild will issue this work as a public tender or award the work to a State Government pre-qualified supplier.

TSIRC Building Services completes approximately 140 tenders for work commissioned by the State and Federal Governments each financial year.

Department of Housing and Public Works through QBuild issue the tender documentation to TSIRC Building Services to respond to.

TSIRC Building Services must complete an estimation and the tender documentation for submission back to QBuild within an approximate 2-week timeframe.

The QBuild approved tender submission price becomes the formal agreement to initiate construction works.

The price submitted to QBuild includes a margin for Council. When the tender is awarded to Council, Council commences its own procurement process to engage a contractor to carry out the works on behalf of Council. The difference between the tendered price to QBuild and the contract award price to the contractor becomes Council's revenue.

Consultation:

- Acting Chief Executive Officer
- Chief Operational Officer
- Manager, Governance & Compliance

Finance & Risk:

TSIRC Building Services is bound by the tender submission to complete the works / services and invoice for the tendered amount.

TSIRC Building Services receive the first right of refusal for works to be carried out on TSIRC islands.

Non approved delays in submitting the tender could result in offer for works /services to be offered to another party.

Sustainability:

Tender submissions returned within the allocated timeframe enhances the workability of the relationship between TSIRC Building Services and QBuild for proactive outcomes.

Conclusion:

That Council resolves to submit this tender and delegate to the CEO to tender, enter into contracts, negotiate, finalise and execute any and all matters in relation to this Tender.

Endorsed:

Ilario Sabatino
Chief Operating Officer

Recommended:

Hollie Faithfull
Acting Chief Executive Officer

TORRES STRAIT ISLAND REGIONAL COUNCIL

CLOSED BUSINESS REPORT

ORDINARY MEETING: December 2020

DATE: 8th- 9th December 2020

ITEM: Closed Session - Agenda Item for Resolution by Council

SUBJECT: Closed Session - Contractual Matter – 12 Phillemon Street, Warraber

AUTHOR: Nicholas Sturges, Acting Building Services Maintenance Manager

Resolution:

Council resolves to:

1. Submit a tender to the Queensland State Government through the Department of Housing and Public Works to carry out various upgrade works at 12 Phillemon Street, Warraber Island (QBFNQ0540BLD1) with a tender price of \$231,110.30 excl of GST
- and
2. delegate to the Chief Executive Officer's submit the tender, enter into contracts, negotiate, finalise and execute any and all matters in relation to this tender.

Purpose:

The purpose of this report is to get Council's endorsement for Council to tender for this work with QBuild.

Background:

General

Search Description:* House - Lot 38 on SP270859 aka Lot 12 (S)

Description: House - Lot 38 on SP270859 aka Lot 12 (SLUP) Phillemon St aka Lot 12 Ganaia St, Warraber Island.

Short Description:* House - Lot 38 on SP

Asset Status:* Disposed

Bar Code:

Commission Date: 30/06/1974

Expected Commissioning:

Disposal/Write-off Date: 15/07/2019

Asset Condition:* 3.5 Poor Condition

AMP Category:* BLDGCOMM Buildings Community

AMP Facility:* HOUSING Housing Network

PPE Reporting Ctry:* BLDCOM Buildings (Community)

Legacy PCS Number: 5716

SAM ID: 1002701.1

Heritage Asset: NO No



Primary Image: 1002701.jpg



Upgrade Works that include internal and external upgrades. Works are inclusive of internal/ external works, painting, bathroom upgrade, kitchen upgrade, roof screw replacement works, new concrete slab the front patio, general plumbing and electrical works.

Council has no influence on whether this work go ahead, as this is works commissioned by the State Government through the Department of Housing and Public Works.

If Council does not tender for this work, QBuild will issue this work as a public tender or award the work to a State Government pre-qualified supplier.

TSIRC Building Services completes approximately 140 tenders for work commissioned by the State and Federal Governments each financial year.

Department of Housing and Public Works through QBuild issue the tender documentation to TSIRC Building Services to respond to.

TSIRC Building Services must complete an estimation and the tender documentation for submission back to QBuild within an approximate 2-week timeframe.

The QBuild approved tender submission price becomes the formal agreement to initiate construction works.

The price submitted to QBuild includes a margin for Council. When the tender is awarded to Council, Council commences its own procurement process to engage a contractor to carry out the works on behalf of Council. The difference between the tendered price to QBuild and the contract award price to the contractor becomes Council's revenue.

Consultation:

- Acting Chief Executive Officer
- Chief Operational Officer
- Head of Building Services
- Manager, Governance & Compliance

Finance & Risk:

TSIRC Building Services is bound by the tender submission to complete the works / services and invoice for the tendered amount.

TSIRC Building Services receive the first right of refusal for works to be carried out on TSIRC islands.

Non approved delays in submitting the tender could result in offer for works /services to be offered to another party.

Sustainability:

Tender submissions returned within the allocated timeframe enhances the workability of the relationship between TSIRC Building Services and QBuild for proactive outcomes.

Conclusion:

That Council resolves to submit this tender and delegate to the CEO to tender, enter into contracts, negotiate, finalise and execute any and all matters in relation to this Tender.

Endorsed:

Ilario Sabatino
Chief Operating Officer

Recommended:

Hollie Faithfull
Acting Chief Executive Officer

TORRES STRAIT ISLAND REGIONAL COUNCIL

CLOSED BUSINESS REPORT

ORDINARY MEETING: December 2020

DATE: 8th- 9th December 2020

ITEM: Closed Session - Agenda Item for Resolution by Council

SUBJECT: Closed Session - Contractual Matter – 14 Aikuru Street, Warraber

AUTHOR: Nicholas Sturges, Acting Building Services Maintenance Manager

Resolution:

Council resolves to:

1. Submit a tender to the Queensland State Government through the Department of Housing and Public Works to carry out various upgrade works at 14 Aikuru Street, Warraber Island (WS1538914) with a tender price of \$232,951.58 excl of GST
- and
2. delegate to the Chief Executive Officer's submit the tender, enter into contracts, negotiate, finalise and execute any and all matters in relation to this tender.

Purpose:

The purpose of this report is to get Council's endorsement for Council to tender for this work with QBuild.

Background:

General

Search Description:* House - Lot 36 on SP270859 aka Lot 14 (S)

Description: House - Lot 36 on SP270859 aka Lot 14 (SLUP) Aikuru St, Warraber Island

Short Description:* House - Lot 36 on SP

Asset Status:* Commissioned

Bar Code:

Commission Date: 30/06/1979

Expected Commissioning:

Disposal/Write-off Date:

Asset Condition:* 3 Fair to Poor Cond

AMP Category:* BLDGCOMM Buildings Community

AMP Facility:* HOUSING Housing Network

PPE Reporting Ctry:* BLDCOM Buildings (Community)

Legacy PCS Number: 5753

SAM ID: 1002740.1

Heritage Asset: NO No



Primary Image: 1002740.jpg



Upgrade Works that include internal and external upgrades. Works are inclusive of internal/ external works, int/ ext painting, bathroom upgrade, kitchen upgrade, roof screw and gutter replacement works, general plumbing and electrical works.

Council has no influence on whether this work go ahead, as this is works commissioned by the State Government through the Department of Housing and Public Works.

If Council does not tender for this work, QBuild will issue this work as a public tender or award the work to a State Government pre-qualified supplier.

TSIRC Building Services completes approximately 140 tenders for work commissioned by the State and Federal Governments each financial year.

Department of Housing and Public Works through QBuild issue the tender documentation to TSIRC Building Services to respond to.

TSIRC Building Services must complete an estimation and the tender documentation for submission back to QBuild within an approximate 2-week timeframe.

The QBuild approved tender submission price becomes the formal agreement to initiate construction works.

The price submitted to QBuild includes a margin for Council. When the tender is awarded to Council, Council commences its own procurement process to engage a contractor to carry out the works on behalf of Council. The difference between the tendered price to QBuild and the contract award price to the contractor becomes Council's revenue.

Consultation:

- Acting Chief Executive Officer
- Head of Building Services Unit
- Chief Operational Officer
- Manager, Governance & Compliance

Finance & Risk:

TSIRC Building Services is bound by the tender submission to complete the works / services and invoice for the tendered amount.

TSIRC Building Services receive the first right of refusal for works to be carried out on TSIRC islands.

Non approved delays in submitting the tender could result in offer for works /services to be offered to another party.

Sustainability:

Tender submissions returned within the allocated timeframe enhances the workability of the relationship between TSIRC Building Services and QBuild for proactive outcomes.

Conclusion:

That Council resolves to submit this tender and delegate to the CEO to tender, enter into contracts, negotiate, finalise and execute any and all matters in relation to this Tender.

Endorsed:

Ilario Sabatino
Chief Operating Officer

Recommended:

Hollie Faithfull
Acting Chief Executive Officer

TORRES STRAIT ISLAND REGIONAL COUNCIL

Agenda Report

ORDINARY MEETING

DATE: 8-9 December 2020
SUBJECT ITEM: Proposed Ordinary Meeting dates for 2021
AUTHOR: Office of the CEO

RECOMMENDATION

1. That Council endorse the following dates and venue as **Council's Ordinary meeting** dates for 2021;

Month 2020	Date	Venue/ Division
January	19-20	F2F
February	16-17	Video Conference
March	16-17	F2F
April	20-21	Video Conference
May	17-18	F2F -
June	29-30	Video Conference
July	20-21	F2F -
August	17-18	Video Conference
September	21-22	F2F -
October	19-20	Video Conference
November	15-16	F2F - Cairns
December	14-15	Video Conference

2. That Council endorse the following dates and venue as the ordinary meeting dates for its **Standing Committees** for 2021:

Standing Committee	Meeting dates/times/venue
SARG	Friday 12 th January 2021 9am – 12pm
	Tuesday 2 nd February 2021 1pm – 4pm
	Tuesday 2 nd March 2021 1pm – 4pm
	Tuesday 6 th April 2021 1pm – 4pm
	Tuesday 4 th May 2021 1pm – 4pm
	Tuesday 15 th June 2021 1pm – 4pm
	Tuesday 6 th July 2021 1pm – 4pm
	Tuesday 3 rd August 2021 1pm – 4pm
	Tuesday 7 th September 2021 1pm – 4pm
	Tuesday 5 th October 2021 1pm – 4pm
	Tuesday 2 nd November 2021 1pm – 4pm
	Tuesday 30 th November 2021 1pm – 4pm
Governance and Leadership Committee	22 nd February 2021
	21 st June 2021
	23 rd August 2021
	25 th October 2021
Housing and Safe and Healthy Communities Committee	23 rd February 2021
	22 nd June 2021
	24 th August 2021
	26 th October 2021
Climate Change Adaptation and Environment Committee	24 th February 2021
	23 rd June 2021
	25 th August 2021
	27 th October 2021
Economic Growth Committee	25 th February 2021
	24 th June 2021
	26 th August 2021
	28 th October 2021
Cultural Arts, Land and Heritage Committee	26 th February 2021
	25 th June 2021
	27 th August 2021
	29 th October 2021

PURPOSE

The purpose of this report is to allow Council to consider and discuss the proposed dates and venues for its ordinary meetings for the year 2021.

BACKGROUND

Council must meet at least once in each month (if Council wanted to meet less frequently, this would have to be approved by Ministerial variation). (LGR s 257)

Council is required to publish, at least one in each year, a notice of the **days and times** when:

- (a) its **ordinary meetings** will be held; and
 - (b) the **ordinary meetings of its standing committees** will be held.
- (LGR s 254B)

The notice must be displayed at Council's public offices and published on Council's website. If meeting days and times are changed, Council must as soon as practicable notify of the change in the same way. (LGR s 254B)

All Council meetings are to be held at one of Council's public offices, though Council can resolve to fix another venue for a particular Council meeting. (LGR s 257) Therefore, Council can by resolution decide to hold an ordinary meeting or committee meeting virtually. There is no requirement that the hour at which a meeting is held fall within the Council's ordinary business hours.

There are particular regulatory provisions that apply during the COVID-19 pandemic, until 30 June 2021: for virtual meetings, Council must ensure the meeting is available for real-time viewing or listening by the public at one of Council's public offices or on Council's website.

The relevant regulatory provisions are included below, for reference:

Local Government Regulation 2012 (Qld)

Section 254B

Public notice of meetings

(1) A local government must, at least once in each year, publish a notice of the days and times when—

- (a) its ordinary meetings will be held; and*
- (b) the ordinary meetings of its standing committees will be held.*

(2) The notice mentioned in subsection (1) must be published on the local government's website, and in other ways the local government considers

appropriate.

(3) A local government must display in a conspicuous place in its public office a notice of the days and times when—

(a) its meetings will be held; and

(b) meetings of its committees will be held.

(4) A local government must, as soon as practicable, notify any change to the days and times mentioned in subsection (1) or (3) in the same way as the days and times were previously notified.

Section 257

Frequency and place of meetings

(1) A local government must meet at least once in each month.

(2) However, the Minister may, after written application by a local government, vary the requirement under subsection (1) for the local government.

(3) All meetings of a local government are to be held—

(a) at 1 of the local government's public offices; or

(b) for a particular meeting—at another place fixed by the local government, by resolution, for the meeting.

Section 254K

Participating in meetings by audio link or audio visual link

(1) A local government may allow a person to take part in a meeting of the local government by audio link or audio visual link.

(2) A committee of a local government may allow a person to take part in a meeting of the committee by audio link or audio visual link.

(3) A councillor or committee member who takes part in a local government meeting under subsection (1) or (2) is taken to be present at the meeting if the councillor or member was simultaneously in audio contact with each other person at the meeting.

The follow regulations relating to audio link and audio visual link meetings apply during the COVID-19 pandemic, until 30 June 2021:

Division 4

Additional provisions for local government and committee meetings

Section 277A

What this division is about

This division provides additional provisions for local government meetings to

minimise serious risks to the health and safety of persons caused by the public health emergency involving COVID–19.

Section 277B

Meetings held by audio link or audio visual link

- (1) A local government or a committee of a local government may hold a meeting of the local government or committee by audio link or audio visual link.*
- (2) A councillor taking part in a meeting under subsection (1) is taken to be present at the meeting.*
- (3) This section applies despite section 257(3).*

Section 277C

Participating in meeting by audio link or audio visual link

- (1) The chairperson of a local government meeting may allow a person to take part in the meeting by audio link or audio visual link.*
- (2) A councillor taking part in a meeting under subsection (1) is taken to be present at the meeting.*
- (3) This section does not affect, and is not affected by, the operation of section 254K.*

Section 277D

Public availability of meetings held or participated in by audio link or audio visual link

- (1) This section applies if—*
 - (a) a local government meeting is held by audio link or audio visual link; or*
 - (b) a person takes part in a local government meeting by audio link or audio visual link.*
- (2) The local government must ensure the meeting is available for real-time viewing or listening by the public at 1 of the local government’s public offices or on the local government’s website.*
- (3) This section does not apply if the meeting is to be closed under section 254J or 277E.*

Section 277E

Public access to particular meetings

- (1) This section applies if the chairperson of a local government meeting is satisfied it is not practicable for the public to attend the meeting because of health and safety reasons associated with the public health emergency*

involving COVID–19.

(2) The chairperson of the meeting may decide, by notice published on the local government's website, that the meeting be closed to the public.

(3) This section applies despite sections 254I and 254J.

Section 277F

Expiry

This division expires on 30 June 2021.

OFFICER COMMENT

In the current fiscal period 2021/2022, Council will hold six (6) face to face Council Ordinary meetings. Council's budget for this period is for six face to face and six video conferences.

CONSULTATION

- SEA
- Mayor
- CEO
- MLS

LINKS WITH STRATEGIC PLANS

Corporate Plan

STATUTORY REQUIREMENTS

Local Government Act 2009 (Qld)

Local Government Regulation 2012 (Qld)

FINANCE AND RISK

2020/2021 and 2021/2022 Budget

CONCLUSION

As presented.

Hollie Faithfull
A/CEO

TORRES STRAIT ISLAND REGIONAL COUNCIL

AGENDA REPORT

ORDINARY MEETING

DATE: 8–9 December 2020
SUBJECT ITEM: Delegations Update
AUTHOR: Julia Maurus, Manager Legal Services

RECOMMENDATION

That under section 257 of the *Local Government Act 2009*, Council delegate to the Chief Executive Officer the exercise of the following powers, and these powers must be exercised subject to any limitations contained in Schedule 2 of the corresponding attached Instruments of Delegation:

- ***Biosecurity Regulation 2016***: the powers contained in Schedule 1 of the Instrument of Delegation attached to this resolution as **Attachment 1**.
- ***Disaster Management Act 2003***: the powers contained in Schedule 1 of the Instrument of Delegation attached to this resolution as **Attachment 2**.
- ***Environmental Protection Act 1994***: the powers contained in Schedule 1 of the Instrument of Delegation attached to this resolution as **Attachment 3**.
- ***Environmental Protection Regulation 2019***: the powers contained in Schedule 1 of the Instrument of Delegation attached to this resolution as **Attachment 4**.
- ***Heavy Vehicle National Law (Queensland) Act 2012***: the powers contained in Schedule 1 of the Instrument of Delegation attached to this resolution as **Attachment 5**.
- ***Heavy Vehicle (Mass, Dimension and Loading) National Regulation***: the powers contained in Schedule 1 of the Instrument of Delegation attached to this resolution as **Attachment 6**.
- ***Land Act 1994***: the powers contained in Schedule 1 of the Instrument of Delegation attached to this resolution as **Attachment 7**.
- ***Land Regulation 2020***: the powers contained in Schedule 1 of the Instrument of Delegation attached to this resolution as **Attachment 8**.
- ***Land Title Act 1994***: the powers contained in Schedule 1 of the Instrument of Delegation attached to this resolution as **Attachment 9**.
- ***Liquor Act 1992***: the powers contained in Schedule 1 of the Instrument of Delegation attached to this resolution as **Attachment 10**.

- ***Local Government Act 2009***: the powers contained in Schedule 1 of the Instrument of Delegation attached to this resolution as **Attachment 11**.
- ***Local Government Regulation 2012***: the powers contained in Schedule 1 of the Instrument of Delegation attached to this resolution as **Attachment 12**.
- ***Planning Act 2016***: the powers contained in Schedule 1 of the Instrument of Delegation attached to this resolution as **Attachment 14**.
- ***Planning Regulation 2017***: the powers contained in Schedule 1 of the Instrument of Delegation attached to this resolution as **Attachment 15**.
- ***Public Health Regulation 2018***: the powers contained in Schedule 1 of the Instrument of Delegation attached to this resolution as **Attachment 16**.
- ***Right to Information Act 2009***: the powers contained in Schedule 1 of the Instrument of Delegation attached to this resolution as **Attachment 17**.
- ***Tobacco and Other Smoking Products Act 1998***: the powers contained in Schedule 1 of the Instrument of Delegation attached to this resolution as **Attachment 18**.
- ***Transport Infrastructure Act 1994***: the powers contained in Schedule 1 of the Instrument of Delegation attached to this resolution as **Attachment 19**.
- ***Water Regulation 2016***: the powers contained in Schedule 1 of the Instrument of Delegation attached to this resolution as **Attachment 20**.
- ***Work Health and Safety Act 2011***: the powers contained in Schedule 1 of the Instrument of Delegation attached to this resolution as **Attachment 21**.
- ***Waste Reduction & Recycling Regulation 2011***: the powers contained in Schedule 1 of the Instrument of Delegation attached to this resolution as **Attachment 22**.

Council resolves not to delegate any of its powers under the ***Mineral Resources Act 1989***, as noted in Schedule 1 of the Instrument of Delegation attached to this resolution as **Attachment 13**.

PURPOSE

This report presents updated statutory powers to Council for endorsement of delegation to the CEO.

BACKGROUND

Delegations from Council to CEO

1. The powers of Local Government are exercised through its officers, with the principal officer being the Chief Executive Officer. Instruments of Delegation allow certain Local Government powers to be exercised by appropriately qualified local government employees to ensure operational efficiency.
2. Council may only exercise those powers delegated to it by State legislation. The Chief Executive Officer may only exercise those powers delegated to him by Council. Local Government employees may only exercise those powers delegated to them by the Chief Executive Officer.
3. An update of Instruments of Delegations must occur regularly (at least annually) to ensure exercise of powers according to law.
4. As part of its retainer arrangement with MacDonnells Law, TSIRC subscribes to a monthly delegations update service provided by MacDonnells Law. This service allows new and amended statutory powers to be presented to Council on a monthly basis for adoption, to ensure that TSIRC's delegations instruments are always up-to-date.
5. A comprehensive Instrument of Delegations of Local Government 2019 was adopted by Council resolution on 19 March 2019 (685 pages). After Council started subscribing to the MacDonnells Law monthly delegations update service, further Instruments of Delegation were adopted by Council resolution in 2019. The delegations register requires further updating and review.

Status of sub-delegations (CEO to employee or contractor) and appointment of authorised persons

6. An Instrument of Delegations from CEO to COO was approved by CEO on 21 November 2018 because a review was required following Council's corporate restructure.
7. The current Instrument of Delegations of CEO 2018 was approved by the CEO on 22 August 2019 and includes powers sub-delegated to appropriately qualified local government employees.
8. The sub-delegations register requires updating, both to reflect legislative changes and to reflect changes to Council's corporate structure. Council adoption is not required for sub-delegations.

OFFICER COMMENT

As workshopped:

9. MacDonnells Law has advised on various legislative changes requiring a Council resolution to delegate new or amended powers to the CEO. Updated statutory powers are proposed for 22 different statutory instruments.
10. Each new Instrument of Delegation is proposed for each relevant statutory instrument, for Council's consideration.
11. All conditions included in previous delegations have been carried over.
12. Powers that Council previously declined to delegate have not been recommended for delegation.
13. Powers that MacDonnells Law recommends not be delegated have not been recommended for delegation.
14. Powers not recommended for delegation are marked "N/A" in the delegations document.
15. Powers to make decisions about land matters are subject to Council approval (case-by-case basis) or (where time-sensitive) consultation with the Divisional Councillor and/or the Mayor as stated in each case.
16. For continued operational efficiency in all Departments, the amended delegations are submitted to Council for adoption.

The following changes to the Instruments of Delegations were made to take into account Council's instructions at the 10 November delegations workshop session:

17. Conditions imposed on all delegations must been updated to state that whilst exercising a power, the delegate must (not may) take into account Ailan Kastom. Ailan Kastom is defined in section 6 of the *Torres Strait*

Islander Land Act 1991 (Qld). Section 9(3) of the *Local Government Act 2009* states “may take into account” and therefore makes this discretionary; however, Council instructed that the delegate must take Ailan Kastom into account. [Note: For administrative efficiency, this change will be updated in each Instrument of Delegation when the date of resolution is entered into each document.]

18. *Land Act 1994*: As local government, lessee, licensee or public utility provider, no powers are to be delegated except for:
 - a. opening and closing roads. This power is delegated subject to consultation with the Mayor and Divisional Councillor.
 - b. consulting with the owner of a lot about making land available for public use as beach. This power is delegated subject to consultation with the Divisional Councillor.
19. *Land Act 1994*: As trustee, no powers are to be delegated except for:
 - a. the general trustee power (“Power to take all action necessary for the maintenance and management of the trust land.”). This power is delegated subject to consultation with the Divisional Councillor.
 - b. opening and closing roads. This power is delegated subject to consultation with the Mayor and Divisional Councillor.
20. *Land Regulation 2020*: As lessee or permittee, no powers are to be delegated except for temporarily closing a declared beach area, or authorising access to a closed beach area. Powers as manager of a declared beach area are delegated subject to consultation with the Divisional Councillor.
21. *Land Title Act 1994*: Trustee (registered owner) powers are all delegated subject to Council resolution (that is, on a case-by-case basis) or, in the case of property notices, consultation with the Mayor.
22. *Mineral Resources Act 1989*: No local government powers are to be delegated. [The instrument of delegations is nevertheless included in the Agenda Report resolution, to record Council’s decision on the matter.]
23. *Planning Act 2016*: Trustee (land owner) power to consent to a development application or conditions is not delegated – a trustee resolution is required in each case. [The instrument of delegations is nevertheless included in the Trustee Report resolution, to record Council’s decision on the matter.]

CONSULTATION

MacDonnells Law
Chief Executive Officer
Manager Legal Services

LINKS WITH STRATEGIC PLANS

TSIRC Corporate Plan 2020–2025

Delivery Pillar: People

Outcome 4: We are a transparent, open and engaging council.

Delivery Pillar: Sustainability

Outcome 8: We manage council affairs responsibly for the benefit of our communities

STATUTORY REQUIREMENTS

Local Government Act 2009 (Qld)

Local Government Regulation 2012 (Qld)

Local Government Acts

FINANCE AND RISK

Capital Cost

NIL

Operating Cost

NIL

Risk Assessment

MacDonnells Law has identified a significant risk of non-compliance if Council's delegations are not identified. This is because without up-to-date delegations, the CEO and Council staff are more likely to make decisions without the necessary delegated authority; those decisions are invalid and could be challenged.

SUSTAINABILITY

Operational efficiency.

CONCLUSION

As presented.

Hollie Faithfull
A/CEO

Julia Maurus
Manager Legal Services

ATTACHMENTS:

1. Proposed Instrument of Delegations: *Biosecurity Regulation 2016* (BIOR)
2. Proposed Instrument of Delegations: *Disaster Management Act 2003* (DIMA)
3. Proposed Instrument of Delegations: *Environmental Protection Act 1994* (ENPA)
4. Proposed Instrument of Delegations: *Environmental Protection Regulation 2019* (ENPR)
5. Proposed Instrument of Delegations: *Heavy Vehicle National Law (Queensland) Act 2012* (HVNL)
6. Proposed Instrument of Delegations: *Heavy Vehicle (Mass, Dimension and Loading) National Regulation* (HVNR)
7. Proposed Instrument of Delegations: *Land Act 1994* (LANA)
8. Proposed Instrument of Delegations: *Land Regulation 2020* (LANR)
9. Proposed Instrument of Delegations: *Land Title Act 1994* (LATA)
10. Proposed Instrument of Delegations: *Liquor Act 1992* (LIQA)
11. Proposed Instrument of Delegations: *Local Government Act 2009* (LOGA)
12. Proposed Instrument of Delegations: *Local Government Regulation 2012* (LOGR)
13. Proposed Instrument of Delegations: *Mineral Resources Act 1989* (MIRA)
14. Proposed Instrument of Delegations: *Planning Act 2016* (PLAA)
15. Proposed Instrument of Delegations: *Planning Regulation 2017* (PLAR)
16. Proposed Instrument of Delegations: *Public Health Regulation 2018* (PUHR)
17. Proposed Instrument of Delegations: *Right to Information Act 2009* (RTIA)
18. Proposed Instrument of Delegations: *Tobacco and Other Smoking Products Act 1998* (TOSP)

19. Proposed Instrument of Delegations: *Transport Infrastructure Act 1994* (TRIA)
20. Proposed Instrument of Delegations: *Water Regulation 2016* (WATR)
21. Proposed Instrument of Delegations: *Work Health and Safety Act 2011* (WHSA)
22. Proposed Instrument of Delegations: *Waste Reduction & Recycling Regulation 2011* (WRRR)

INSTRUMENT OF DELEGATION

Torres Strait Island Regional Council ***Biosecurity Regulation 2016 ("BIOR")***

Under section 257 of the *Local Government Act 2009*, Torres Strait Island Regional Council resolves to delegate the exercise of the powers contained in Schedule 1 to the Chief Executive Officer.

These powers must be exercised subject to the limitations contained in Schedule 2.

All prior resolutions delegating the same powers to the Chief Executive Officer are repealed.

Biosecurity Regulation 2016 ("BIOR")**CHAPTER 2 – BIOSECURITY OBLIGATIONS****Part 6 – Diagnostic testing**

Entity power given to	Section of BIOR	Description
Person	27(1)	Power to apply to the chief executive in the approved form for a test kit or method approval

CHAPTER 5 – PREVENTION AND CONTROL MEASURES FOR BIOSECURITY MATTER**Part 1 – Preliminary**

Entity power given to	Section of BIOR	Description
Responsible person	46(1)	In the specified circumstances, the power to ensure biosecurity matter or a carrier is dealt with in accordance with a risk minimisation requirement for dealing with the biosecurity risk or carrier.
Person	46A(1)	In the specified circumstances, the power to move a sample of a carrier into the State or into or from a biosecurity zone.
Person	46A(2)	In the specified circumstances, the power to move a sample of a carrier from a biosecurity zone.
Person	57A(2)	In the specified circumstances, the power to move a tomato/potato psyllid carrier.
Person	57B(2)	Power to move a citrus canker carrier into the State under a biosecurity authorisation.
Person	57B(3)	In the specified circumstances, the power to move a citrus canker carrier.

Part 12 – White spot biosecurity zone regulatory provisions

Entity power given to	Section of BIOR	Description
Person	94C(2)	In the specified circumstances, power to move a white spot syndrome virus carrier.

LIMITATIONS TO THE EXERCISE OF POWER

1. Where Council in its budget or by resolution allocates an amount for the expenditure of Council funds in relation to a particular matter, in exercising delegated power in relation to that matter, the delegate will only commit Council to reasonably foreseeable expenditure up to the amount allocated.
2. The delegate will not exercise any delegated power in relation to a matter which, to the delegate's knowledge, adversely affects, or is likely to adversely affect, Council's relations with the public at large.
3. The delegate will not exercise any delegated power contrary to a resolution or other decision of Council (including a policy decision relating to the matter).
4. The delegate will not exercise any delegated power in a manner, or which has the foreseeable effect, of being contrary to an adopted Council policy or procedure.
5. The delegate will only exercise a delegated power under this resolution in a manner which complies with the requirements of Council's Planning Scheme, and any exercise of power which involves a departure from or variation of those requirements will only be undertaken by Council.
6. The delegate will not exercise any delegated power which cannot lawfully be the subject of delegation by Council.

[2019 03 29 - BIOR - Delegation Instrument]

Conditions imposed on all Delegations

1. Delegated powers must be read in the context of other powers and subject to conditions stipulated therein;
2. Delegated powers must be exercised consistently with the provisions of Local Government Acts or Regulations, Council Policies and Procedure, Local Laws and Subordinate Local Laws;
3. Any decisions must be made within the financial delegation of the delegate;
4. The delegate shall not give Council opinions and if opinions are to be provided, may only provide personal opinions of the delegate, not in an official capacity as an employee of the Council;
5. Delegated powers only apply to the delegate to the extent that they relate to a delegate's scope of duties as particularised in the Position Description pertaining to that delegate, or as otherwise approved in writing by the CEO or by Council Policy;
6. A delegate may not sub-delegate a power provided for in this Register to a subordinate staff member without the express written consent of the Chief Executive Officer or under a Policy or Procedure adopted by Council;
7. Any power that is not delegable under a Local Government Act or Regulation, shall not be delegable under this instrument;
8. All delegations are subject to conditions imposed in the original delegation to CEO contained in the Instrument of Delegations of Local Government;

9. Whilst exercising a power, the delegate may take into account Ailan Kastom (section 9(3) LGA 2009); and
10. All Powers delegated to the Chief Executive Officer in this Instrument shall be subject to prior Council consultation where exercise of such Power in all reasonable likelihood shall:
 -
 - a. impact on land and/or sea; and/or
 - b. involve payment of compensation regarding land; and/or
 - c. require a budget amendment.

DELEGABLE POWERS UNDER THE BIOSECURITY REGULATION 2016 ("BIOR")

CHAPTER 2 – BIOSECURITY OBLIGATIONS

Part 6 – Diagnostic testing

Entity power given to	Section of BIOR	Description	Delegation to the CEO / Date of Resolution	Sub-Delegation to Officers	Date of Sub-Delegation	Limitations and Conditions
Person	27(1)	Power to apply to the chief executive in the approved form for a test kit or method approval				

CHAPTER 5 – PREVENTION AND CONTROL MEASURES FOR BIOSECURITY MATTER

Part 1 – Preliminary

Entity power given to	Section of BIOR	Description	Delegation to the CEO / Date of Resolution	Sub-Delegation to Officers	Date of Sub-Delegation	Limitations and Conditions
Responsible person	46(1)	In the specified circumstances, the power to ensure biosecurity matter or a carrier is dealt with in accordance with a risk minimisation requirement for dealing with the biosecurity risk or carrier.				
Person	46A(1)	In the specified circumstances, the power to move a sample of a carrier into the State or into or from a biosecurity zone.				

Person	46A(2)	In the specified circumstances, the power to move a sample of a carrier from a biosecurity zone.				
Person	57A(2)	In the specified circumstances, the power to move a tomato/potato psyllid carrier.				
Person	57B(2)	Power to move a citrus canker carrier into the State under a biosecurity authorisation.				
Person	57B(3)	In the specified circumstances, the power to move a citrus canker carrier.				

Part 12 – White spot biosecurity zone regulatory provisions

Entity power given to	Section of BIOR	Description	Delegation to the CEO / Date of Resolution	Sub-Delegation to Officers	Date of Sub-Delegation	Limitations and Conditions
Person	94C(2)	In the specified circumstances, power to move a white spot syndrome virus carrier.				

[2019 03 29 - BIOR - Delegation Table]

INSTRUMENT OF SUB-DELEGATION

Torres Strait Island Regional Council
Biosecurity Regulation 2016 ("BIOR")

Under section 259 of the *Local Government Act 2009*, I, **Bruce Ranga**, Chief Executive Officer of **Torres Strait Island Regional Council**, delegate to those positions which are specified in Schedule 1, the exercise of the powers contained in Schedule 2.

These powers must be exercised subject to the limitations contained in Schedule 3.

This Instrument of Sub-Delegation repeals all prior Instruments sub-delegating to the positions specified in Schedule 1 the exercise of the powers contained in Schedule 2.

My authority to make these sub-delegations is conferred by the *Local Government Act 2009* and the resolution of **Torres Strait Island Regional Council** made on **Insert date** to delegate those powers to the Chief Executive Officer.

DATED this day of 2020.

Bruce Ranga
Chief Executive Officer
Torres Strait Island Regional Council

Position: Insert Position
Position Code: Insert Position Code

POWERS SUB-DELEGATED

Biosecurity Regulation 2016 ("BIOR")

CHAPTER 2 – BIOSECURITY OBLIGATIONS

Part 6 – Diagnostic testing

Entity power given to	Section of BIOR	Description
Person	27(1)	Power to apply to the chief executive in the approved form for a test kit or method approval

CHAPTER 5 – PREVENTION AND CONTROL MEASURES FOR BIOSECURITY MATTER

Part 1 – Preliminary

Entity power given to	Section of BIOR	Description
Responsible person	46(1)	In the specified circumstances, the power to ensure biosecurity matter or a carrier is dealt with in accordance with a risk minimisation requirement for dealing with the biosecurity risk or carrier.
Person	46A(1)	In the specified circumstances, the power to move a sample of a carrier into the State or into or from a biosecurity zone.
Person	46A(2)	In the specified circumstances, the power to move a sample of a carrier from a biosecurity zone.
Person	57A(2)	In the specified circumstances, the power to move a tomato/potato psyllid carrier.
Person	57B(2)	Power to move a citrus canker carrier into the State under a biosecurity authorisation.
Person	57B(3)	In the specified circumstances, the power to move a citrus canker carrier.

Part 12 – White spot biosecurity zone regulatory provisions

Entity power given to	Section of BIOR	Description
Person	94C(2)	In the specified circumstances, power to move a white spot syndrome virus carrier.

LIMITATIONS TO THE EXERCISE OF POWER

7. Where Council in its budget or by resolution allocates an amount for the expenditure of Council funds in relation to a particular matter, in exercising delegated power in relation to that matter, the delegate will only commit Council to reasonably foreseeable expenditure up to the amount allocated.
8. The delegate will not exercise any delegated power in relation to a matter which, to the delegate's knowledge, adversely affects, or is likely to adversely affect, Council's relations with the public at large.
9. The delegate will not exercise any delegated power contrary to a resolution or other decision of Council (including a policy decision relating to the matter).
10. The delegate will not exercise any delegated power in a manner, or which has the foreseeable effect, of being contrary to an adopted Council policy or procedure.
11. The delegate will only exercise a delegated power under this resolution in a manner which complies with the requirements of Council's Planning Scheme, and any exercise of power which involves a departure from or variation of those requirements will only be undertaken by Council.
12. The delegate will not exercise any delegated power which cannot lawfully be the subject of delegation by Council.

[2019 03 29 - BIOR - Sub-Delegation Instrument]

Conditions imposed on all Delegations

1. Delegated powers must be read in the context of other powers and subject to conditions stipulated therein;
2. Delegated powers must be exercised consistently with the provisions of Local Government Acts or Regulations, Council Policies and Procedure, Local Laws and Subordinate Local Laws;
3. Any decisions must be made within the financial delegation of the delegate;
4. The delegate shall not give Council opinions and if opinions are to be provided, may only provide personal opinions of the delegate, not in an official capacity as an employee of the Council;
5. Delegated powers only apply to the delegate to the extent that they relate to a delegate's scope of duties as particularised in the Position Description pertaining to that delegate, or as otherwise approved in writing by the CEO or by Council Policy;
6. A delegate may not sub-delegate a power provided for in this Register to a subordinate staff member without the express written consent of the Chief Executive Officer or under a Policy or Procedure adopted by Council;
7. Any power that is not delegable under a Local Government Act or Regulation, shall not be delegable under this instrument;
8. All delegations are subject to conditions imposed in the original delegation to CEO contained in the Instrument of Delegations of Local Government;

9. Whilst exercising a power, the delegate may take into account Ailan Kastom (section 9(3) LGA 2009); and
10. All Powers delegated to the Chief Executive Officer in this Instrument shall be subject to prior Council consultation where exercise of such Power in all reasonable likelihood shall:
 -
 - a. impact on land and/or sea; and/or
 - b. involve payment of compensation regarding land; and/or
 - c. require a budget amendment.

INSTRUMENT OF DELEGATION

Torres Strait Island Regional Council ***Disaster Management Act 2003 ("DIMA")***

Under section 257 of the *Local Government Act 2009*, Torres Strait Island Regional Council resolves to delegate the exercise of the powers contained in Schedule 1 to the Chief Executive Officer.

These powers must be exercised subject to the limitations contained in Schedule 2.

All prior resolutions delegating the same powers to the Chief Executive Officer are repealed.

Disaster Management Act 2003 ("DIMA")**Part 2 – Disaster management groups and committees****Division 3 – Local government disaster management groups*****Subdivision 1 – Establishment and functions***

Entity power given to	Section of DIMA	Description
Local Government	29	Power to establish a Local Disaster Management Group for the local government's area.

Subdivision 2 – Application of sections 29 and 30 in particular circumstances

Entity power given to	Section of DIMA	Description
Local Government	31	Power to, with the approval of the Minister and the district disaster coordinator for the disaster district in which the local government is situated, to agree to unite with other local governments, for the purpose of establishing a local group.

Subdivision 3 – Membership

Entity power given to	Section of DIMA	Description
Local Government	37	Power to give written notice of the members of a local group to: (a) the chief executive; and (b) the chairperson for the disaster district in which the local group is situated.

Part 3 – Disaster management plans and guidelines**Division 3 – Disaster management plans for local governments*****Subdivision 1 – Disaster management plans***

Entity power given to	Section of DIMA	Description
Local Government	57(1)	Power to prepare a plan (a local disaster management plan) for disaster management in the local government's area.
Local Government	57(2)(g)	Power to consider other matters that are appropriate for inclusion in the local disaster management plan.
Local Government	59(1)	Power to review or renew a local disaster management plan when considered appropriate, subject to sub-section 2.
Chief Executive Officer	60(1)(c)	Power to consider the places where a copy of the local disaster management plan should be available for inspection, free of charge, by members of the public.
Chief Executive Officer	60(3)	Power to decide the fee for provision of a copy of the local disaster management plan.

Subdivision 2 – Application of Subdivision 1 in particular circumstances

Entity power given to	Section of DIMA	Description
Local Government	61	Power to, with the approval of the Minister and the district group for the disaster district in which the local government is situated, to agree to unite with other local governments for the purpose of preparing a local disaster management plan.

LIMITATIONS TO THE EXERCISE OF POWER

1. Where Council in its budget or by resolution allocates an amount for the expenditure of Council funds in relation to a particular matter, in exercising delegated power in relation to that matter, the delegate will only commit Council to reasonably foreseeable expenditure up to the amount allocated.
2. The delegate will not exercise any delegated power in relation to a matter which, to the delegate's knowledge, adversely affects, or is likely to adversely affect, Council's relations with the public at large.
3. The delegate will not exercise any delegated power contrary to a resolution or other decision of Council (including a policy decision relating to the matter).
4. The delegate will not exercise any delegated power in a manner, or which has the foreseeable effect, of being contrary to an adopted Council policy or procedure.
5. The delegate will only exercise a delegated power under this resolution in a manner which complies with the requirements of Council's Planning Scheme, and any exercise of power which involves a departure from or variation of those requirements will only be undertaken by Council.
6. The delegate will not exercise any delegated power which cannot lawfully be the subject of delegation by Council.

[2018 12 01 - DIMA - Delegation Instrument]

Conditions imposed on all Delegations

1. Delegated powers must be read in the context of other powers and subject to conditions stipulated therein;
2. Delegated powers must be exercised consistently with the provisions of Local Government Acts or Regulations, Council Policies and Procedure, Local Laws and Subordinate Local Laws;
3. Any decisions must be made within the financial delegation of the delegate;
4. The delegate shall not give Council opinions and if opinions are to be provided, may only provide personal opinions of the delegate, not in an official capacity as an employee of the Council;
5. Delegated powers only apply to the delegate to the extent that they relate to a delegate's scope of duties as particularised in the Position Description pertaining to that delegate, or as otherwise approved in writing by the CEO or by Council Policy;
6. A delegate may not sub-delegate a power provided for in this Register to a subordinate staff member without the express written consent of the Chief Executive Officer or under a Policy or Procedure adopted by Council;
7. Any power that is not delegable under a Local Government Act or Regulation, shall not be delegable under this instrument;
8. All delegations are subject to conditions imposed in the original delegation to CEO contained in the Instrument of Delegations of Local Government;

9. Whilst exercising a power, the delegate may take into account Ailan Kastom (section 9(3) LGA 2009); and
10. All Powers delegated to the Chief Executive Officer in this Instrument shall be subject to prior Council consultation where exercise of such Power in all reasonable likelihood shall:
 -
 - a. impact on land and/or sea; and/or
 - b. involve payment of compensation regarding land; and/or
 - c. require a budget amendment.

DELEGABLE POWERS UNDER THE DISASTER MANAGEMENT ACT 2003 ("DIMA")

Part 2 – Disaster management groups and committees

Division 3 – Local government disaster management groups

Subdivision 1 – Establishment and functions

Entity power given to	Section of DIMA	Description	Delegation to the CEO / Date of Resolution	Sub-Delegation to Officers	Date of Sub-Delegation	Limitations and Conditions
Local Government	29	Power to establish a Local Disaster Management Group for the local government's area.				

Subdivision 2 – Application of sections 29 and 30 in particular circumstances

Entity power given to	Section of DIMA	Description	Delegation to the CEO / Date of Resolution	Sub-Delegation to Officers	Date of Sub-Delegation	Limitations and Conditions
Local Government	31	Power to, with the approval of the Minister and the district disaster coordinator for the disaster district in which the local government is situated, to agree to unite with other local governments, for the purpose of establishing a local group.				

Subdivision 3 – Membership

Entity power given to	Section of DIMA	Description	Delegation to the CEO / Date of Resolution	Sub-Delegation to Officers	Date of Sub-Delegation	Limitations and Conditions
Local Government	37	Power to give written notice of the members of a local group to: (a) the chief executive; and (b) the chairperson for the disaster district in which the local group is situated.				

Part 3 – Disaster management plans and guidelines

Division 3 – Disaster management plans for local governments

Subdivision 1 – Disaster management plans

Entity power given to	Section of DIMA	Description	Delegation to the CEO / Date of Resolution	Sub-Delegation to Officers	Date of Sub-Delegation	Limitations and Conditions
Local Government	57(1)	Power to prepare a plan (a local disaster management plan) for disaster management in the local government's area.				
Local Government	57(2)(g)	Power to consider other matters that are appropriate for inclusion in the local disaster management plan.				
Local Government	59(1)	Power to review or renew a local disaster management plan when considered appropriate, subject to sub-section 2.				

Chief Executive Officer	60(1)(c)	Power to consider the places where a copy of the local disaster management plan should be available for inspection, free of charge, by members of the public.	This power does not need to be delegated as it is given directly to the CEO under the Act.			
Chief Executive Officer	60(3)	Power to decide the fee for provision of a copy of the local disaster management plan.	This power does not need to be delegated as it is given directly to the CEO under the Act.			

Subdivision 2 – Application of Subdivision 1 in particular circumstances

Entity power given to	Section of DIMA	Description	Delegation to the CEO / Date of Resolution	Sub-Delegation to Officers	Date of Sub-Delegation	Limitations and Conditions
Local Government	61	Power to, with the approval of the Minister and the district group for the disaster district in which the local government is situated, to agree to unite with other local governments for the purpose of preparing a local disaster management plan.				

[2018 12 01 - DIMA - Delegation Table]

INSTRUMENT OF SUB-DELEGATION

Torres Strait Island Regional Council
Disaster Management Act 2003 ("DIMA")

Under section 259 of the *Local Government Act 2009*, I, **Bruce Ranga**, Chief Executive Officer of **Torres Strait Island Regional Council**, delegate to those positions which are specified in Schedule 1, the exercise of the powers contained in Schedule 2.

These powers must be exercised subject to the limitations contained in Schedule 3.

This Instrument of Sub-Delegation repeals all prior Instruments sub-delegating to the positions specified in Schedule 1 the exercise of the powers contained in Schedule 2.

My authority to make these sub-delegations is conferred by the *Local Government Act 2009* and the resolution of **Torres Strait Island Regional Council** made on **Insert date** to delegate those powers to the Chief Executive Officer.

DATED this day of 2018.

Bruce Ranga
Chief Executive Officer
Torres Strait Island Regional Council

Position: Insert Position
Position Code: Insert Position Code

POWERS SUB-DELEGATED

Disaster Management Act 2003 ("DIMA")

Part 2 – Disaster management groups and committees

Division 3 – Local government disaster management groups

Subdivision 1 – Establishment and functions

Entity power given to	Section of DIMA	Description
Local Government	29	Power to establish a Local Disaster Management Group for the local government's area.

Subdivision 2 – Application of sections 29 and 30 in particular circumstances

Entity power given to	Section of DIMA	Description
Local Government	31	Power to, with the approval of the Minister and the district disaster coordinator for the disaster district in which the local government is situated, to agree to unite with other local governments, for the purpose of establishing a local group.

Subdivision 3 – Membership

Entity power given to	Section of DIMA	Description
Local Government	37	Power to give written notice of the members of a local group to: (a) the chief executive; and (b) the chairperson for the disaster district in which the local group is situated.

Part 3 – Disaster management plans and guidelines

Division 3 – Disaster management plans for local governments

Subdivision 1 – Disaster management plans

Entity power given to	Section of DIMA	Description
Local Government	57(1)	Power to prepare a plan (a local disaster management plan) for disaster management in the local government's area.
Local Government	57(2)(g)	Power to consider other matters that are appropriate for inclusion in the local disaster management plan.
Local Government	59(1)	Power to review or renew a local disaster management plan when considered appropriate, subject to sub-section 2.
Chief Executive Officer	60(1)(c)	Power to consider the places where a copy of the local disaster management plan should be available for inspection, free of charge, by members of the public.
Chief Executive Officer	60(3)	Power to decide the fee for provision of a copy of the local disaster management plan.

Subdivision 2 – Application of Subdivision 1 in particular circumstances

Entity power given to	Section of DIMA	Description
Local Government	61	Power to, with the approval of the Minister and the district group for the disaster district in which the local government is situated, to agree to unite with other local governments for the purpose of preparing a local disaster management plan.

LIMITATIONS TO THE EXERCISE OF POWER

7. Where Council in its budget or by resolution allocates an amount for the expenditure of Council funds in relation to a particular matter, in exercising delegated power in relation to that matter, the delegate will only commit Council to reasonably foreseeable expenditure up to the amount allocated.
8. The delegate will not exercise any delegated power in relation to a matter which, to the delegate's knowledge, adversely affects, or is likely to adversely affect, Council's relations with the public at large.
9. The delegate will not exercise any delegated power contrary to a resolution or other decision of Council (including a policy decision relating to the matter).
10. The delegate will not exercise any delegated power in a manner, or which has the foreseeable effect, of being contrary to an adopted Council policy or procedure.
11. The delegate will only exercise a delegated power under this resolution in a manner which complies with the requirements of Council's Planning Scheme, and any exercise of power which involves a departure from or variation of those requirements will only be undertaken by Council.
12. The delegate will not exercise any delegated power which cannot lawfully be the subject of delegation by Council.

[2018 12 01 - DIMA - Sub-Delegation Instrument]

Conditions imposed on all Delegations

1. Delegated powers must be read in the context of other powers and subject to conditions stipulated therein;
2. Delegated powers must be exercised consistently with the provisions of Local Government Acts or Regulations, Council Policies and Procedure, Local Laws and Subordinate Local Laws;
3. Any decisions must be made within the financial delegation of the delegate;
4. The delegate shall not give Council opinions and if opinions are to be provided, may only provide personal opinions of the delegate, not in an official capacity as an employee of the Council;
5. Delegated powers only apply to the delegate to the extent that they relate to a delegate's scope of duties as particularised in the Position Description pertaining to that delegate, or as otherwise approved in writing by the CEO or by Council Policy;
6. A delegate may not sub-delegate a power provided for in this Register to a subordinate staff member without the express written consent of the Chief Executive Officer or under a Policy or Procedure adopted by Council;
7. Any power that is not delegable under a Local Government Act or Regulation, shall not be delegable under this instrument;
8. All delegations are subject to conditions imposed in the original delegation to CEO contained in the Instrument of Delegations of Local Government;

9. Whilst exercising a power, the delegate may take into account Ailan Kastom (section 9(3) LGA 2009); and
10. All Powers delegated to the Chief Executive Officer in this Instrument shall be subject to prior Council consultation where exercise of such Power in all reasonable likelihood shall:
 -
 - a. impact on land and/or sea; and/or
 - b. involve payment of compensation regarding land; and/or
 - c. require a budget amendment.

INSTRUMENT OF SUB-DELEGATION

Torres Strait Island Regional Council
Disaster Management Act 2003 ("DIMA")

Under section 259 of the *Local Government Act 2009*, I, **Bruce Ranga**, Chief Executive Officer of **Torres Strait Island Regional Council**, delegate to those positions which are specified in Schedule 1, the exercise of the powers contained in Schedule 2.

These powers must be exercised subject to the limitations contained in Schedule 3.

This Instrument of Sub-Delegation repeals all prior Instruments sub-delegating to the positions specified in Schedule 1 the exercise of the powers contained in Schedule 2.

My authority to make these sub-delegations is conferred by the *Local Government Act 2009* and the resolution of **Torres Strait Island Regional Council** made on **Insert date** to delegate those powers to the Chief Executive Officer.

DATED this day of 2020.

Bruce Ranga
Chief Executive Officer
Torres Strait Island Regional Council

Position: Insert Position
Position Code: Insert Position Code

POWERS SUB-DELEGATED

Disaster Management Act 2003 ("DIMA")

Part 2 – Disaster management groups and committees

Division 3 – Local government disaster management groups

Subdivision 1 – Establishment and functions

Entity power given to	Section of DIMA	Description
Local Government	29	Power to establish a Local Disaster Management Group for the local government's area.

Subdivision 2 – Application of sections 29 and 30 in particular circumstances

Entity power given to	Section of DIMA	Description
Local Government	31	Power to, with the approval of the Minister and the district disaster coordinator for the disaster district in which the local government is situated, to agree to unite with other local governments, for the purpose of establishing a local group.

Subdivision 3 – Membership

Entity power given to	Section of DIMA	Description
Local Government	37	Power to give written notice of the members of a local group to: (a) the chief executive; and (b) the chairperson for the disaster district in which the local group is situated.

Part 3 – Disaster management plans and guidelines

Division 3 – Disaster management plans for local governments

Subdivision 1 – Disaster management plans

Entity power given to	Section of DIMA	Description
Local Government	57(1)	Power to prepare a plan (a local disaster management plan) for disaster management in the local government's area.
Local Government	57(2)(g)	Power to consider other matters that are appropriate for inclusion in the local disaster management plan.
Local Government	59(1)	Power to review or renew a local disaster management plan when considered appropriate, subject to sub-section 2.
Chief Executive Officer	60(1)(c)	Power to consider the places where a copy of the local disaster management plan should be available for inspection, free of charge, by members of the public.
Chief Executive Officer	60(3)	Power to decide the fee for provision of a copy of the local disaster management plan.

Subdivision 2 – Application of Subdivision 1 in particular circumstances

Entity power given to	Section of DIMA	Description
Local Government	61	Power to, with the approval of the Minister and the district group for the disaster district in which the local government is situated, to agree to unite with other local governments for the purpose of preparing a local disaster management plan.

LIMITATIONS TO THE EXERCISE OF POWER

13. Where Council in its budget or by resolution allocates an amount for the expenditure of Council funds in relation to a particular matter, in exercising delegated power in relation to that matter, the delegate will only commit Council to reasonably foreseeable expenditure up to the amount allocated.
14. The delegate will not exercise any delegated power in relation to a matter which, to the delegate's knowledge, adversely affects, or is likely to adversely affect, Council's relations with the public at large.
15. The delegate will not exercise any delegated power contrary to a resolution or other decision of Council (including a policy decision relating to the matter).
16. The delegate will not exercise any delegated power in a manner, or which has the foreseeable effect, of being contrary to an adopted Council policy or procedure.
17. The delegate will only exercise a delegated power under this resolution in a manner which complies with the requirements of Council's Planning Scheme, and any exercise of power which involves a departure from or variation of those requirements will only be undertaken by Council.
18. The delegate will not exercise any delegated power which cannot lawfully be the subject of delegation by Council.

[2018 12 01 - DIMA - Sub-Delegation Instrument]

INSTRUMENT OF DELEGATION

Torres Strait Island Regional Council ***Environmental Protection Act 1994 ("ENPA")***

Under section 257 of the *Local Government Act 2009*, Torres Strait Island Regional Council resolves to delegate the exercise of the powers contained in Schedule 1 to the Chief Executive Officer.

These powers must be exercised subject to the limitations contained in Schedule 2.

All prior resolutions delegating the same powers to the Chief Executive Officer are repealed.

Environmental Protection Act 1994 ("ENPA")**CHAPTER 5 – ENVIRONMENTAL AUTHORITIES FOR ENVIRONMENTALLY RELEVANT ACTIVITIES****Part 2 – Application Stage****Division 4 – Notices about not properly made applications**

Entity power given to	Section of ENPA	Description
Administering Authority	128(2)	In certain circumstances, the power to give the applicant a notice.
Administering Authority	129(2)	In certain circumstances, the power to agree to a further period with the applicant.

Division 5 – Joint applicants

Entity power given to	Section of ENPA	Description
Administering Authority	130(3)	In certain circumstances, the power to: <ul style="list-style-type: none"> (a) give a notice or other document relating to the application to all the applicants, by giving it to the principal applicant nominated in the application; or (b) make a requirement under this chapter relating to the application of all the applicants, by making it of the principal applicant nominated in the application.

Division 6 – Changing applications***Subdivision 1 – Preliminary***

Entity power given to	Section of ENPA	Description
Administering Authority	131(d)	In certain circumstances, power to be satisfied that a change would not adversely affect the ability of the authority to assess the changed application.

Subdivision 3 – Changed applications – effect on assessment process

Entity power given to	Section of ENPA	Description
Administering Authority	133(1)(b)	Power to agree in writing to the change.
Administering Authority	134(4)	In certain circumstances, the power to be satisfied that the change would not be likely to attract a submission objecting to the thing the subject of the change, if the notification stage were to apply to the change.

Part 3 –**Information stage****Division 2 – Information requests**

Entity power given to	Section of ENPA	Description
Administering Authority	140(1)	Power to ask the applicant, by written request (an information request), to give further information needed to assess the application.
Administering Authority	143(2)	In certain circumstances, the power to include in an information request a requirement that the applicant provide an EIS for the application.
Administering Authority	145(1)	Power to, by written notice given to the applicant and without the applicant's agreement, extend the information request period by not more than 10 business days.
Administering Authority	145(3)	Power to request a further extension of the information request period.
Administering Authority	147(3)	Power to, within 5 business days after receiving the request: (a) decide whether to agree to the extension; and (b) give an information notice of the decision.

Part 4 –**Notification stage****Division 1 – Preliminary**

Entity power given to	Section of ENPA	Description
Administering Authority	150(1)(d)	In certain circumstances, the power to be satisfied that the change would not be likely to attract a submission objecting to the thing the subject of the change, if the notification stage were to apply to the change.

Division 2 – Public notice

Entity power given to	Section of ENPA	Description
Administering Authority	152(3)	Power to: (a) give the applicant an information notice about the decision before the application notice is given; and (b) decide an additional or substituted way to give or publish the application notice.
Administering Authority	159(2)	In certain circumstances, power to decide whether to allow the application to proceed under this part as if the noncompliance had not happened.
Administering Authority	159(3)	In certain circumstances, power to be satisfied that there has been substantial compliance with the public notice requirements.
Administering Authority	159(4)	In certain circumstances, power to within 10 business days after the decision is made, give the applicant written notice of the decision.
Administering Authority	159(5)(b)(i)	In certain circumstances, power to: (a) fix a substituted way to give or publish the application notice; and (b) give the applicant written notice of the substituted way.

Administering Authority	159(5)(b)(ii)	In certain circumstances, power to: (a) fix a new submission period for the application; and (b) give the applicant written notice of the period.
Administering Authority	159(5)(b)(iii)	In certain circumstances, power to give the applicant an information notice about the decision.

Division 3 – Submissions about applications

Entity power given to	Section of ENPA	Description
An Entity	160	Power to, within the submission period, make a submission to the administering authority about the application.
Administering Authority	161(3)	Power to accept a written submission even if it is not a properly made submission.
An Entity	162(1)	In certain circumstances, power to, by written notice, amend or replace a submission.

Part 5 –

Decision stage

Division 2 – Deciding an application

Subdivision 1 – Decision period

Entity power given to	Section of ENPA	Description
Administering Authority	168(2)	In certain circumstances, the power to, by written notice given to the applicant and without the applicant's agreement, extend the period mentioned in subsection 168(1) by not more than 20 business days.
Administering Authority	168(4)	Power to request a further extension of the decision period.

Subdivision 2 – Decision

Entity power given to	Section of ENPA	Description
Administering Authority	170(2)(a)	In certain circumstances, the power to decide that the application be approved subject to the standard conditions for the relevant activity or authority.
Administering Authority	170(2)(b)	In certain circumstances, the power to decide that the applicant be issued an environmental authority on conditions that are different to the standard conditions for the activity or authority.
Administering Authority	171(2)(a)	In certain circumstances, the power to decide that the application be approved subject to conditions that are different to the standard conditions for the activity or authority.
Administering Authority	171(2)(b)	In certain circumstances, the power to decide that the applicant be issued an environmental authority subject to the standard conditions for the activity or authority.
Administering Authority	172(2)	In certain circumstances, the power to decide that the application: (a) be approved subject to conditions; or (b) be refused.
Administering Authority	173(1)	Power to refuse an application if the applicant is not a registered suitable operator.

Administering Authority	173(3)	In certain circumstances, power to refuse an application for an environmental authority.
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Division 4 – Steps after deciding application

Entity power given to	Section of ENPA	Description
Administering Authority	195	In certain circumstances, power to issue an environmental authority to the applicant.
Administering Authority	198(2)	In certain circumstances, power to give the application an information notice about the decision.
Administering Authority	198(4)	In certain circumstances, power to give any submitter for the application an information notice about the decision.

Division 6 – Conditions

Entity power given to	Section of ENPA	Description
Administering Authority	203(1)	Power to impose a condition on an environmental authority or draft environmental authority if: (a) it considers the condition is necessary or desirable; and (b) if the authority is for an application to which section 115 applies - the condition relates to the carrying out of the relevant prescribed ERA.
Administering Authority	203(2)	In certain circumstances, power to impose a condition on an environmental authority or draft environmental authority.
Administering Authority	204(2)	In certain circumstances, power to impose on the authority a condition requiring the holder of the authority to take all reasonable steps to ensure the relevant activity complies with the eligibility criteria for the activity.
Administering Authority	209(4)	Power to enter into an agreement to establish obligations, or secure the performance, of a party to the agreement about a condition.

Part 6 – Amending environmental authorities by administering authority

Division 1 – Amendments

Entity power given to	Section of ENPA	Description
Administering Authority	211	In certain circumstances, power to amend an environmental authority to correct a clerical or formal error.
Administering Authority	212(2)	Power to amend the environmental authority to ensure compliance with conditions included in a determination made by the NNTT under the Commonwealth Native Title Act, section 38(1)(c).
Administering Authority	212(3)	Power to give written notice of the amendment to the environmental authority holder.
Administering authority	212A(2)	Power to amend the environmental authority to ensure it is consistent with the regional interests development approval.
Administering authority	212A(3)	Power to given written notice the amendment to the environmental authority holder.

Administering Authority	213(2)	In certain circumstances, power to amend the existing authority to replace the existing standard conditions with the new standard conditions.
Administering Authority	213(3)	In certain circumstances, power to give written notice of the amendment to the environmental authority holder.
Administering Authority	214(2)	In certain circumstances, power to amend the environmental authority.
Administering Authority	214(3)	In certain circumstances, power to give: (a) an information notice about the amendment to the holder of the environmental authority; and (b) written notice of the amendment to the assessment manager for the development application.
Administering Authority	215(1)	In certain circumstances, power to amend an environmental authority.
Administering Authority	215(1)(a)	Power to consider the amendment is necessary or desirable because of a matter mentioned in subsection (2) and the procedure under division 2 is followed.

Division 2 – Procedure for particular amendments

Entity power given to	Section of ENPA	Description
Administering Authority	216	Power to propose to amend an environmental authority
Administering Authority	217	Power to give the environmental authority holder a written notice (the proposed amendment notice).
Administering Authority	218	Power to consider any written representation made within the period stated in the proposed amendment notice by the holder of the environmental authority.
Administering Authority	219(1)	In certain circumstances, power to believe a ground exists to make the proposed amendment, and to make the amendment.
Administering Authority	219(3)	Power to give the holder written notice of the decision.
Administering Authority	220	Power to give the environmental authority holder an information notice about the decision.

Division 3 – Steps for amendments

Entity power given to	Section of ENPA	Description
Administering Authority	221(2)(b)	In certain circumstances, power to issue the amended environmental authority to the holder.

Part 7 –

Amendment of environmental authorities by application

Division 2A – Provision for particular amendment applications

Entity power given to	Section of ENPA	Description
Administering Authority	227A(2)	Power to refuse application within 10 business days after receiving the amendment application.

Administering Authority	227A(3)	Power to require the holder of the environmental authority to make a site-specific application for a new environmental authority.
Administering Authority	227A(5)	Power to give written notice of any refusal.

Division 3 – Assessment level decisions

Entity power given to	Section of ENPA	Description
Administering Authority	228(1)	Power to decide whether the proposed amendment is a major or minor amendment.
Administering Authority	229	Power to give the applicant a written notice.
Administering Authority	230(2)	In certain circumstances, power to be satisfied that: <ul style="list-style-type: none"> (a) there is likely to be a substantial increase in the risk of environmental harm under the amended environmental authority; and (b) the risk is the result of a substantial change in: <ul style="list-style-type: none"> (i) the quantity or quality of contaminant permitted to be released into the environment; or (ii) the results of the release of a quantity or quality of contaminant permitted to be released into the environment.

Division 4 – Process if proposed amendment is a major amendment

Entity power given to	Section of ENPA	Description
Administering Authority	233(3)	In certain circumstances, power to: <ul style="list-style-type: none"> (a) decide another way of publishing the notice for subsection (2)(b)(ii); and (b) give the applicant an information notice about the decision before the notice is published.
Administering Authority	237(1)(b)	Power to agree in writing to the change.
Administering Authority	238(3)(a)	In certain circumstances, power to within 10 business days after notice of the change is received, ask the applicant to give further information needed to assess the application
Administering Authority	238(7)	In certain circumstances, power to be satisfied the change would not be likely to attract a submission objecting to the thing the subject of the change, if the notification stage were to apply to the change.

Division 5 – Process if proposed amendment is minor amendment

Entity power given to	Section of ENPA	Description
Administering Authority	240(1)	Power to decide either to approve or refuse the application: <ul style="list-style-type: none"> (a) for a condition conversion – within 10 business days after the application is received (for a condition conversion); or (b) otherwise, within 10 business days after notice of the assessment level decision is given to the applicant.

Administering Authority	240(2)	Power to be satisfied the proposed amendment is necessary or desirable.
Administering Authority	240(3)	In certain circumstances, power to make any other amendments to the conditions of the environmental authority it considers: (a) relate to the subject matter of the proposed amendment; and (b) are necessary or desirable.

Division 6 – Steps after deciding amendment application

Entity power given to	Section of ENPA	Description
Administering Authority	242(1)(b)	In certain circumstances, power to issue the amended environmental authority to the applicant.
Administering Authority	242(3)	Power to within 5 business days after the decision is made, give the applicant an information notice about the decision.

Part 8 – Amalgamating environmental authorities

Division 2 – Deciding amalgamation application

Entity power given to	Section of ENPA	Description
Administering Authority	247(1)	Power to, within 20 business days after the day the amalgamation application is received, decide to: (a) approve the application; or (b) if the application is for an amalgamated local government authority or amalgamated project authority—refuse the application.
Administering Authority	247(2)(c)	Power to be satisfied there is an appropriate degree of integration between the activities.
Administering Authority	247(3)	Power to be satisfied the relevant activities for the existing environmental authorities are being carried out as a single integrated operation.

Division 3 – Miscellaneous provisions

Entity power given to	Section of ENPA	Description
Administering Authority	248(b)	In certain circumstances, power to issue to the applicant: (a) if the application is for an amalgamated corporate authority – an amalgamated corporate authority; or (b) if the application is for an amalgamated local government authority – an amalgamated local government authority; or (c) if the application is for an amalgamated project authority – an amalgamated project authority.
Administering Authority	249	Power to, within 10 business days after refusing an amalgamation application, give the applicant an information notice about the decision.

Division 4 – De-amalgamating environmental authorities

Entity power given to	Section of ENPA	Description
Administering Authority	250C(a)	Power to de-amalgamate the relevant authority within 15 business days after receiving a de-amalgamation application that complies with section 250B.

Part 9 – Transferring environmental authorities for prescribed ERAs

Entity power given to	Section of ENPA	Description
Administering Authority	254(1)	Power to consider each transfer application and decide to: (a) approve the transfer; or (b) refuse the transfer.
Administering Authority	255(1)(b)	In certain circumstances, power to issue the amended environmental authority (the <i>transferred environmental authority</i>) to each holder.
Administering Authority	255(2)	In certain circumstances, power to, within 10 business days after the decision is made, give the existing holder and the proposed holder written notice of the decision.

Part 10 – Surrender of environmental authorities

Division 1 – Preliminary

Entity power given to	Section of ENPA	Description
Administering Authority	258(2)	In certain circumstances, power to by written notice (a <i>surrender notice</i>), require the holder of the environmental authority to make a surrender application.
Administering Authority	261(2)	In certain circumstances, power to approve a surrender application for part of the environmental authority.

Division 3 – Final rehabilitation reports

Entity power given to	Section of ENPA	Description
Administering Authority	264(2)(a)	Power to agree to a methodology.

Division 4 – Requests for information

Entity power given to	Section of ENPA	Description
Administering Authority	265	Power to ask the applicant, by written request, to give further information needed to assess the surrender application.

Division 5 – Deciding surrender applications

Entity power given to	Section of ENPA	Description
Administering Authority	266(1)	Power to decide to: (a) approve the surrender application; or (b) refuse the surrender application.

Administering Authority	269(a)	Power to be satisfied the conditions of the environmental authority have been complied with.
Administering Authority	269(b)(i)	Power to be satisfied the land on which each relevant activity for the environmental authority has been carried out has been satisfactorily rehabilitated.
Administering Authority	269(b)(ii)	Power to be satisfied the land will be satisfactorily rehabilitated under a transitional environmental program.
Administering Authority	269(c)	Power to be satisfied of another circumstance prescribed by regulation.

Division 8 – Miscellaneous provisions

Entity power given to	Section of ENPA	Description
Administering Authority	275(a)(ii)	In certain circumstances, power to give the applicant written notice of the decision.
Administering Authority	275(b)	In certain circumstances, power to give the applicant an information notice about the decision.

Part 11 – Cancellation or suspension of environmental authorities

Division 1 – Preliminary

Entity power given to	Section of ENPA	Description
Administering Authority	278(1)	In certain circumstances, power to cancel or suspend an environmental authority.

Division 2 – Procedure for cancellation or suspension by administering authority

Entity power given to	Section of ENPA	Description
Administering Authority	280(1)	Power to give the environmental authority holder a written notice.
Administering Authority	281	Power to consider any written representation made within the stated period by the environmental authority holder.
Administering Authority	282(1)	In certain circumstances, power to believe a ground exists to take the proposed action.
Administering Authority	282(1)(a)	In certain circumstances, power to suspend the environmental authority for no longer than the proposed suspension period.
Administering Authority	282(1)(b)	In certain circumstances, power to either cancel the environmental authority or suspend it for a fixed period.
Administering Authority	282(3)	Power to decide not to take the proposed action and, if so, give the environmental authority holder written notice of the decision.
Administering Authority	283(1)	Power to give the environmental authority holder an information notice about the decision.
Administering Authority	283(2)	In certain circumstances, power to give written notice of the decision to the chief executive administering the resource legislation.

Part 11A - General provisions**Division 3 – Deciding suspension applications**

Entity power given to	Section of ENPA	Description
Administering Authority	284C	Power to decide whether to approve the application or refuse the application.
Administering Authority	284F(1)(a)(ii)	In certain circumstances, power to give the holder of the environmental authority written notice of the decision.
Administering Authority	284F(1)(b)	In certain circumstances, power to give the holder an information notice about the decision.

Part 12 – General provisions**Division 1 – Plan of operations for environmental authority relating to mining lease or petroleum lease**

Entity power given to	Section of ENPA	Description
Administering Authority	287	Power to agree with the holder in writing to a shorter period.

Division 2 – Financial assurance***Subdivision 1 – Requiring financial assurance***

Entity power given to	Section of ENPA	Description
Administering Authority	292(1)	Power to, by condition of an environmental authority, require the holder of the environmental authority to give the administering authority financial assurance.
Administering Authority	292(2)	Power to be satisfied the condition is justified.
Administering Authority	292(3)	Power to require a financial assurance to remain in force until satisfied no claim is likely to be made on the assurance.

Subdivision 2 – Amount and form of financial assurance

Entity power given to	Section of ENPA	Description
Administering Authority	295(1)	Power to decide the amount and form of financial assurance required under a condition of an environmental authority.
Administering Authority	295(2)(c)	Power to agree with the holder of the environmental authority to a further period.
Administering Authority	295(4)	Power to form an opinion as to the amount that represents the total of likely costs and expenses that may be incurred taking action to rehabilitate or restore and protect the environment because of environmental harm that may be caused by the activity.
Administering Authority	296	Power to, within 5 business days after making a decision under section 295(1), give an information notice about the decision to the holder of the environmental authority.

Subdivision 3 – Claiming or realising financial assurance

Entity power given to	Section of ENPA	Description
Administering Authority	299(2)	Power to must give written notice to the entity who gave the financial assurance.
Administering Authority	300	Power to consider any written representations made within the stated period by the entity who gave the financial assurance.
Administering Authority	301(1)	Power to decide whether to make a claim on or realise the financial assurance.
Administering Authority	301(2)	In certain circumstances, power to give the entity an information notice about the decision.

Subdivision 4 – Amending or discharging financial assurance

Entity power given to	Section of ENPA	Description
Administering Authority	304(1)	Power to, by written notice, require the applicant to give it a compliance statement for the financial assurance before deciding the application.
Administering Authority	305(1)(a)	Power to approve or refuse the application.
Administering Authority	305(1)(b)	In certain circumstances, power to give the applicant an information notice about the decision.
Administering Authority	305(3)	Power to be satisfied no claim is likely to be made on the assurance.
Administering Authority	305(5)	Power to withhold making a decision under subsection (1).
Administering Authority	306(1)	In certain circumstances, power to, at any time, require the holder of an environmental authority or small scale mining tenure for which financial assurance has been given to change the amount of the financial assurance.
Administering Authority	306(3)	Power to give written notice to the holder of the environmental authority or small scale mining tenure.
Administering Authority	306(6)	In certain circumstances, power to consider any written submissions made by the holder within the stated period.

Division 3 – Annual fees and returns

Subdivision 1 – Annual notices

Entity power given to	Section of ENPA	Description
Administering Authority	308(2)	In certain circumstances, power to give the environmental authority holder a written notice complying with subsection (3) (an <i>annual notice</i>).
Administering Authority	310(1)	In certain circumstances, power to change the anniversary day, for an environmental authority for which an annual fee is prescribed under a regulation, to another day (the <i>new day</i>).
Administering Authority	311	Power to decide whether or not to change the anniversary day to the new day.
Administering Authority	312	Power to give the holder:

		(a) if the decision is to change the day – written notice of the decision; or (b) if the decision is not to change the day – an information notice about the decision.
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Division 4 – Non-compliance with eligibility criteria

Entity power given to	Section of ENPA	Description
Administering Authority	314(2)	In certain circumstances, power to require the holder of the environmental authority to: (a) make a site-specific application for a new environmental authority under part 2; or (b) make an amendment application for the authority under part 7.
Administering Authority	314(3)	Power to give written notice of the proposed requirement to the holder of the environmental authority.
Administering Authority	314(5)	Power consider any representations made by the holder within the stated period.

Division 5 – Miscellaneous provisions

Entity power given to	Section of ENPA	Description
Administering Authority	315(1)	Power to ask any entity for advice, comment or information about an application made under this chapter at any time.

CHAPTER 7 – ENVIRONMENTAL MANAGEMENT

Part 1 – Environmental duties

Division 2 – Duty to notify of environmental harm

Subdivision 3B – Duty of local government

Entity power given to	Section of ENPA	Description
Local Government	320DB(1)	Power to give the administering authority written notice of the activity.
Local Government	320DB(2)	Power to give the administering authority written notice of: (a) the nature of the event or change in the condition and the circumstances in which the event or change happened or is happening; or (b) within 24 hours after becoming aware of the event or change in condition of the land.

Part 2 – Environmental evaluations

Division 2 – Environmental audits

Subdivision 1 – Audit requirements

Entity power given to	Section of ENPA	Description
Administering Authority	322(1)	In certain circumstances, power to, by written notice, require the holder of an environmental authority to:

		<p>(a) conduct or commission an audit (an <i>environmental audit</i>) about a stated matter concerning a relevant activity; and</p> <p>(b) give the administering authority an environmental report on the audit.</p>
Administering Authority	322(2)	Power to be reasonably satisfied the audit is necessary or desirable.
Administering Authority	323(1)	<p>Power to be satisfied that:</p> <p>(a) a person is, or has been, contravening</p> <ul style="list-style-type: none"> (i) a regulation; or (ii) an environmental protection policy; or (iii) an agricultural ERA standard; or (iv) a transitional environmental program; or (v) an enforceable undertaking; or <p>(b) a person is, or has been, contravening any of the following provisions:</p> <ul style="list-style-type: none"> (i) section 363E; (ii) section 440Q; (iii) section 440ZG; (iv) a provision of chapter 8, part 3D, 3E or 3F.
Administering Authority	323(2)	<p>Power to, by written notice (also an <i>audit notice</i>), require the person to:</p> <p>(a) Conduct or commission an audit (also an <i>environmental audit</i>) about the matter; and</p> <p>(b) give the administering authority an environmental report about the audit.</p>

Division 3 – Environmental investigations

Entity power given to	Section of ENPA	Description
Administering Authority	326B(1)	<p>Power to be satisfied on reasonable grounds that:</p> <p>(a) an event has happened causing environmental harm while an activity was being carried out; or</p> <p>(b) an activity or proposed activity is causing, or is likely to cause environmental harm.</p>
Administering Authority	326B(2)	<p>Power to, by written notice (an <i>investigation notice</i>), require the person who has carried out, is carrying out or is proposing to carry out the activity to:</p> <p>(a) conduct or commission an investigation (an <i>environmental investigation</i>) about the event or activity; and</p> <p>(b) submit an environmental report about the investigation to the authority.</p>
Administering Authority	326BA(1)	Power to be satisfied that circumstances contained in subsection (a) – (c) apply to the land.
Administering Authority	326BA(2)	<p>Power to give written notice (an investigation notice) requiring a prescribed responsible person for the land to:</p> <p>(a) conduct or commission an investigation; and</p> <p>(b) give the administering authority an investigation report.</p>

Division 5 – Steps after receiving environmental reports

Entity power given to	Section of ENPA	Description
Administering Authority	326F(2)	Power to, by written notice, ask the recipient to give further information needed to decide whether to approve the environmental report.
Administering Authority	326G(4)	Power to decide to accept the report or to refuse to accept the report.
Administering Authority	326G(5)	Power to be satisfied that the report does not adequately address the relevant matters for the environmental investigation to which the report relates.
Administering Authority	326G(7)	In certain circumstances, power to extend the period mentioned in subsection (6) for making the decision.
Administering Authority	326G(7)(a)	Power to be satisfied that there are special circumstances for extending the time.
Administering Authority	326G(8)	Power to give the recipient written notice of the decision within 5 business days after making the decision.
Administering Authority	326H	Power to do one or more of the following: (a) require the recipient to prepare and submit a transitional environmental program to it; (b) if the recipient is the holder of an environmental authority – amend the conditions of the authority; (c) serve an environmental protection order on the recipient; or (d) take any other action it considers appropriate.
Administering Authority	326I(2)	Power to require the recipient to conduct or commission another environmental investigation and submit a report on the investigation to it.
Administering Authority	326I(3)	Power to give written notice to the recipient.

Part 3 –

Transitional environmental programs

Division 2 – Submission and approval of transitional environmental programs

Entity power given to	Section of ENPA	Description
Administering Authority	332(1)	Power to require a person or public authority to prepare and submit for approval a draft transitional environmental program as a condition of an environmental authority.
Administering Authority	332(2)	In the specified circumstances, the power to require a person or public authority to prepare and submit for approval a draft transitional environmental program.
Administering Authority	334A(1)	Power to, by written notice, ask the person or public authority that submitted the draft transitional environmental program to give further information needed to decide whether to approve the draft program.
Administering Authority	336(1)	Power to invite a person or public authority that has submitted a draft transitional environmental program and another person who has made a submission under section 335 of the Environmental Protection Act 1994 about the transitional

		environmental program, to a conference to help in deciding whether or not to approve the program.
Administering Authority	336(2)	Power to give written notice to all persons invited to attend a conference of when and where the conference is to be held.
Administering Authority	336(3)	If it's considered impracticable to give notice to all persons invited to attend a conference, the power to give notice of the conference by publishing a notice in the newspapers you decide.
Administering Authority	336(4)	In specified circumstances, the power to appoint an independent person to mediate a conference.
Administering Authority	336A(1)	Power to ask any person for advice, comment or information about a submission for approval of a transitional environmental program at any time.
Administering Authority	337(1)	In specified circumstances, the power to decide whether to approve a draft transitional environmental program within the specified time period.
Administering Authority	337(2)	In certain circumstances, power to extend the period mentioned in subsection (1) for making the decision.
Administering Authority	337(2)	Power to give an information notice about the decision to extend to the person or public authority that submitted the program and any submitters.
Administering Authority	338(1)	In deciding whether to approve or refuse to approve a draft program or the conditions (if any) of the approval, the power to: <ul style="list-style-type: none"> (a) comply with any relevant regulatory requirement; and (b) subject to paragraph (a), consider the specified criteria.
Administering Authority	339(1)	Power to: <ul style="list-style-type: none"> (a) approve a draft transitional environment program: <ul style="list-style-type: none"> (i) as submitted; or (ii) as amended at the request, or with the agreement, of the administering authority; or (b) refuse to approve a draft transitional environmental program.
Administering Authority	339(2)	Power to impose on an approval of a draft transitional environmental program: <ul style="list-style-type: none"> (a) any conditions the authority must impose under a regulatory requirement; (b) a condition requiring the holder of the approval to give an amount of financial assurance as security for compliance with the transitional environmental program and any conditions of the program; and (c) any other conditions the administering authority considers appropriate.
Administering Authority	340(1)	Power to, within 8 business days after making a decision under section 339, give the person or public authority that submitted the program a written notice about the decision.
Administering Authority	340(2)(b)	If the program is approved, power to state any conditions imposed on the approval by the administering authority.
Administering Authority	340(2)(c)	If the program is approved, power to state the day the approval ends.
Administering Authority	340(3)	If the program is refused, or approved with conditions, power to give an information notice.

Administering Authority	342(2)	In specified circumstances, the power to consider and decide whether to approve a draft transitional environmental program if satisfied there has been substantial compliance with the Environmental Protection Act 1994.
Administering Authority	343A(2)(B)	In certain circumstances, power to give the holder of the environmental authority a copy of the environmental authority including the note.

Division 3A – Financial assurances

Entity power given to	Section of ENPA	Description
Administering Authority	344(3)	In specified circumstances, the power to approve an amendment of an approval for a transitional environmental program for an environmentally relevant activity.
Administering Authority	344(4)	Without limiting the matters to be considered in deciding an application, the power to have regard to the specified criteria.
Administering Authority	344A(2)	Power to may recover the reasonable costs or expenses of taking the action by making a claim on or realising the financial assurance or part of it.
Administering Authority	344A(3)	Power to give written notice to the person who gave the financial assurance.
Administering Authority	344B	Power to consider any written representations made within the stated period by the person who gave the financial assurance.
Administering Authority	344C(1)	Power to, within 10 business days after the end of the stated period, decide whether to make a claim on or realise the financial assurance.
Administering Authority	344C(2)	Power to, within 5 business days after making the decision, give the person an information notice about the decision.

Division 3B – Cancellation of approval for transitional environmental programs

Entity power given to	Section of ENPA	Description
Administering Authority	344E(1)	Power to cancel the approval for a transitional environmental program for the reasons provided in that subsection.
Administering Authority	344E(1)(b)	Power to be satisfied the approval holder has: (i) disposed of the place or business to which the program relates; or (ii) ceased the activity to which the program relates.
Administering Authority	344E(2)(a)	Power to give a notice stating the details of the cancellation to the approval holder.
Administering Authority	344F(2)(a)	Power to withdraw the notice by another written notice.
Administering Authority	344G(2)	Power to give the holder of the environmental authority a copy of the authority that does not include the note.

Part 4 – Special provisions about voluntary submission of transitional environmental programs

Entity power given to	Section of ENPA	Description
Administering Authority	352(1)	In specified circumstances, the power to give written notice to a person of: (a) receiving a program notice; and (b) the day by which a draft transitional environmental program dealing with the activity must be submitted for approval.
Administering Authority	355(1)	In certain circumstances, power to apply to the Court for an order that section 353(1) does not apply to the person for any continuation of the original offence.

Part 4A – Temporary emissions licences

Entity power given to	Section of ENPA	Description
Administering Authority	357E(1)	Power to: (a) grant the application for a temporary emissions licence: (i) as submitted; (ii) on different terms than have been requested in the application; or (b) refuse to grant the application for a temporary emissions licence.
Administering Authority	357E(2)	Power to impose conditions on the temporary emissions licence it considers are necessary or desirable.
Administering Authority	357F	Power to give the applicant an information notice about the decision if the decision is to: (a) grant the application on different terms than have been requested in the application: or (b) refuse the application.
Administering Authority	357J	In certain circumstances, power to amend, cancel or suspend a temporary emissions licence.

Part 5 – Environmental protection orders

Entity power given to	Section of ENPA	Description
Administering Authority	358	In specified circumstances, the power to issue an order (an environmental protection order) to a person.
Administering Authority	359	Before deciding to issue an environmental protection order, the power to consider the standard criteria.

CHAPTER 9 – INVESTIGATION AND ENFORCEMENT

Part 1 – Administration generally

Entity power given to	Section of ENPA	Description
As delegate of the Chief Executive of the Environmental Protection Agency: 516(1)(b) and 517	445(1)(c) ¹	In the specified circumstances, the power to appoint an authorised person.
Chief Executive Officer	445(2)	Power to appoint an employee of a local government to be an authorised person
As delegate of the Chief Executive of the Environmental Protection Agency: 516(1)(b) & 517.	448 ²	In the specified circumstances, the power to issue an identity card to each authorised person appointed.
Administering Authority	451(1)	In the specified circumstances, the power to give a notice under section 451 of the Environmental Protection Act 1994 to a person requiring the person to give information relevant to the administration and enforcement of the Environmental Protection Act 1994.

Part 2 – Powers of authorised persons for places and vehicles

Entity power given to	Section of ENPA	Description
Administering Authority	454(1)	Power to believe on reasonable grounds land is contaminated land
Administering Authority	454(3)(b)	Power to give written notice to the owner and occupier.
Administering Authority	458(2)	In specified circumstances, the power to give written notice of an application made under section 458(1) of the Environmental Protection Act 1994 to: (a) the owner of the land; and

¹ The power is subject to the following limitations as per the instrument of delegation of the Chief Executive of the Environmental Protection Agency dated 7 February 2008 (copy attached).

1. The only powers under the *Environmental Protection Act 1994* the authorised person who is appointed by the Local Govt is to exercise are:
 - (a) Sections 440J, 452, 453, 455, 456, 457, 459, 460, 461, 462, 463A, 463, 464, 465 and 466 of the *Environmental Protection Act 1994*; and
 - (b) Only to be used in relation to those matters referred to in s.440D of the *Environmental Protection Act 1994*; and
2. That the certificates issued pursuant to s.490 of the *Environmental Protection Act 1994* are only used in respect of Court proceedings in relation to those matters referred to in s.440D of the *Environmental Protection Act 1994*.

² The power is subject to the following limitations as per the instrument of delegation of the Chief Executive of the Environmental Protection Agency dated 7 February 2008 (copy attached).

1. The only powers under the *Environmental Protection Act 1994* the authorised person who is appointed by the Local Govt is to exercise are:
 - (a) Sections 440J, 452, 453, 455, 456, 457, 459, 460, 461, 462, 463A, 463, 464, 465 and 466 of the *Environmental Protection Act 1994*; and
 - (b) Only to be used in relation to those matters referred to in s.440D of the *Environmental Protection Act 1994*; and
2. That the certificates issued pursuant to s.490 of the *Environmental Protection Act 1994* are only used in respect of Court proceedings in relation to those matters referred to in s.440D of the *Environmental Protection Act 1994*.

		<p>(b) if the owner is not the occupier of the land - the occupier; and</p> <p>(c) if the application is for an order to carry out work mentioned in section 458(1)(a) of the Environmental Protection Act 1994:</p> <ul style="list-style-type: none"> (i) the environmental authority holder; or (ii) transitional environmental program approval holder; or (iii) the registered operator. <p>(d) if the application is for an order to take actions required under a clean-up notice – the recipient of the notice.</p>
Administering Executive	463(2)	In specified circumstances, the power to direct the destruction or disposal of a forfeited thing.
As delegate of the Chief Executive of the Environmental Protection Agency: 516(1)(b) and 517.	490	In specified circumstances, the power to issue a certificate.

CHAPTER 10 – LEGAL PROCEEDINGS

Part 3 – Legal proceedings

Entity power given to	Section of ENPA	Description
Administering Authority	502A(2)	Power to carry out work or take any other action reasonably necessary to fulfil the requirements of an order made against a person under section 502.

Part 5 – Enforceable undertakings

Entity power given to	Section of ENPA	Description
Administering Authority	507(1)	Power to accept an enforceable undertaking.
Administering Authority	507(3)	Power to give written notice of: <ul style="list-style-type: none"> (a) administering authority's decision to accept or reject the enforceable undertaking; and (b) the reasons for the decision.
Administering Authority	507(4)	Power to form a reasonable belief that the undertaking will: <ul style="list-style-type: none"> (a) secure compliance with the Act; and (b) enhance the protection of the environment.
Administering Authority	509(1)	Power to give written agreement to: <ul style="list-style-type: none"> (a) withdraw the undertaking; or (b) vary the undertaking.
Administering Authority	510	Power to amend an enforceable undertaking with the written agreement of the person who made the undertaking.
Administering Authority	511	Power to: <ul style="list-style-type: none"> (a) amend an enforceable undertaking to correct a clerical or formal error; and (b) give written notice of the amendment to the enforceable undertaking.

Administering Authority	512(1)	Power to amend or suspend an enforceable undertaking if the administering authority is satisfied of the requirements in paragraphs (a) – (d).
Administering Authority	512(2)	Power to give a notice stating proposed action in respect of the enforceable undertaking.
Administering Authority	512(4)	Power to consider written representations.
Administering Authority	512(5)	Power to decide to take action under the section.
Administering Authority	512(6)	Power to give an information notice about the decision within 10 business days after making the decision.
Administering Authority	512(7)	Power to give written notice of a decision not to take action.
Administering Authority	513(2)	Power to apply to the Magistrates Court for an order about contravention of enforceable undertaking.

CHAPTER 11 – ADMINISTRATION

Part 2 – Delegations

Entity power given to	Section of ENPA	Description
Chief Executive Officer (both as Chief Executive Officer and as Administering Executive)	517(2)	Power to delegate their powers under this Act to an appropriately qualified employee of the local government.

Part 3 – Review of decisions and appeals

Division 2 – Internal review of decisions

Entity power given to	Section of ENPA	Description
Administering Authority	521(2)(a)(ii)	In specified circumstances, the power to allow a longer period within which an application for a review of an original decision must be made.
Administering Authority	521(5)	In specified circumstances, the power to, within the decision period for a review of an original decision: <ul style="list-style-type: none"> (a) review the original decision; and (b) consider any submissions properly made by a recipient of a review notice; and (c) make a decision (the review decision) to: <ul style="list-style-type: none"> (i) confirm or revoke the original decision; or (ii) vary the original decision in a way considered appropriate.
Administering Authority	521(8)	Within 10 business days after making a review decision, the power to give written notice of the review decision to the applicant and persons who were given notice of the original decision.

Division 3 – Appeals

Subdivision 2 – Appeals to court

Entity power given to	Section of ENPA	Description
Dissatisfied person	531(1)	In certain circumstances, power to may appeal against the decision to the Court.

Part 4 – General

Entity power given to	Section of ENPA	Description
Administering Executive	544(1)	Power to approve forms.

CHAPTER 12 – MISCELLANEOUS

Part 3A – Auditors

Division 1 – Preliminary

Entity power given to	Section of ENPA	Description
Auditor	568	Power to, subject to the terms of an approval under division 2: (a) conduct environmental audits and prepare environmental reports about audits under chapter 7, part 2, division 2; and (b) evaluate site investigation reports, validation reports, draft site management plans and draft amendments of site management plans prepared under chapter 7, part 8 against criteria prescribed under a regulation (the prescribed criteria) and: (i) if the report or plan does not comply with the prescribed criteria—prepare a report about the evaluation; or (ii) if the report or plan complies with the prescribed criteria—provide written certification that it complies with the criteria; and (c) audit or evaluate another matter or thing prescribed under a regulation and prepare a report or written certification about the audit or evaluation.

CHAPTER 13 – SAVINGS, TRANSITIONAL AND RELATED PROVISIONS

Part 5 – Transitional provisions for Environmental Protection Legislation Amendment Act 2003

Entity power given to	Section of ENPA	Description
Administering Authority	620(2)	In the specified circumstances, the power to change or cancel a condition of an environmental authority.
Administering Authority	620(5)(b)	In the specified circumstances, if a condition has changed or cancelled, the power to, within the specified time period, give the registered operator:

		<p>(i) a copy of the development conditions as applying after the change or cancellation; and</p> <p>(ii) a registration certificate.</p>
Administering Authority	621(1)	<p>Power to, for an activity being carried out under an environmental authority mentioned in section 619(1) of the Environmental Protection Act 1994, give to the person carrying out the activity:</p> <p>(a) if the activity was carried out at 1 location - a development approval for the location; or</p> <p>(b) if the activity was carried at more than 1 location and is not a mobile and temporary environmentally relevant activity - a development approval for each location; or</p> <p>(c) if the activity is a mobile and temporary environmentally relevant activity - a development approval for a mobile and temporary environmentally relevant activity.</p>
Administering Authority	621(2)	If the person carrying out the activity does not have a registration certificate for the activity, the power to also give the person a registration certificate for the activity.
Administering Authority	621(4)	If you act under section 621(1) or (2) of the Environmental Protection Act 1994, the power to give the person carrying out the activity an information notice about your decision to give the approval or approval and certificate.
Administering Authority	623(2)	In specified circumstances, the power to give a registered operator a notice stating that you are satisfied that the risk of environmental harm from carrying out the activity is no longer insignificant.
Administering Authority	626(3)(a)	In specified circumstances, the power to, by written notice, ask an applicant to give a stated document or information relevant to an application.

Part 6 – Transitional provisions for Petroleum and Other Legislation Amendment Act 2004

Entity power given to	Section of ENPA	Description
Administering Authority	634(1)	In specified circumstances, the power to amend a condition about financial assurance imposed under Part 7, Chapter 13 of the Environmental Protection Act 1994 to require the giving of replacement financial assurance, in a form and amount decided by you.

Part 17 – Transitional provisions for the Environmental Protection and Other Legislation Amendment Act 2011

Entity power given to	Section of ENPA	Description
Administering Authority	671(2)	Power to consider, or continue to consider, the draft transitional environment program and decide whether to approve an existing draft transitional environment program under the unamended Act.

Part 18 –**Transitional provisions for Environmental Protection (Greentape Reduction) and Other Legislation Amendment Act 2012****Division 5 – Transitional authorities for environmentally relevant activities**

Entity power given to	Section of ENPA	Description
Administering Authority	697(1)	Power to decide whether to approve the application or refuse the application.
Administering Authority	698(1)	In certain circumstances, power to: (a) amend the environmental authority to give effect to the conversion; and (b) issue the amended environmental authority to the applicant.
Administering Authority	698(2)	In certain circumstances, power to give the applicant an information notice about the decision.

Division 5A – Suspended activities

Entity power given to	Section of ENPA	Description
Administering Authority	698B	Power to approve an application to convert the surrendered registration certificate to an environmental authority that has been suspended under chapter 5, part 11A (a conversion application).

Division 6 – Financial assurance

Entity power given to	Section of ENPA	Description
Administering Authority	699(4)	Power to amend the environmental authority to impose a condition about financial assurance.
Administering Authority	699(5)	Power to give written notice of the amendment.

Division 8 – Provisions about environmental management plans

Entity power given to	Section of ENPA	Description
Administering Authority	701(2)	Power to amend the new authority to impose conditions consistent with the environmental management plan.

LIMITATIONS TO THE EXERCISE OF POWER

1. Where Council in its budget or by resolution allocates an amount for the expenditure of Council funds in relation to a particular matter, in exercising delegated power in relation to that matter, the delegate will only commit Council to reasonably foreseeable expenditure up to the amount allocated.
2. The delegate will not exercise any delegated power in relation to a matter which, to the delegate's knowledge, adversely affects, or is likely to adversely affect, Council's relations with the public at large.
3. The delegate will not exercise any delegated power contrary to a resolution or other decision of Council (including a policy decision relating to the matter).
4. The delegate will not exercise any delegated power in a manner, or which has the foreseeable effect, of being contrary to an adopted Council policy or procedure.
5. The delegate will only exercise a delegated power under this resolution in a manner which complies with the requirements of Council's Planning Scheme, and any exercise of power which involves a departure from or variation of those requirements will only be undertaken by Council.
6. The delegate will not exercise any delegated power which cannot lawfully be the subject of delegation by Council.

[2019 12 09 - ENPA - Delegation Instrument]

Conditions imposed on all Delegations

1. Delegated powers must be read in the context of other powers and subject to conditions stipulated therein;
2. Delegated powers must be exercised consistently with the provisions of Local Government Acts or Regulations, Council Policies and Procedure, Local Laws and Subordinate Local Laws;
3. Any decisions must be made within the financial delegation of the delegate;
4. The delegate shall not give Council opinions and if opinions are to be provided, may only provide personal opinions of the delegate, not in an official capacity as an employee of the Council;
5. Delegated powers only apply to the delegate to the extent that they relate to a delegate's scope of duties as particularised in the Position Description pertaining to that delegate, or as otherwise approved in writing by the CEO or by Council Policy;
6. A delegate may not sub-delegate a power provided for in this Register to a subordinate staff member without the express written consent of the Chief Executive Officer or under a Policy or Procedure adopted by Council;
7. Any power that is not delegable under a Local Government Act or Regulation, shall not be delegable under this instrument;

8. All delegations are subject to conditions imposed in the original delegation to CEO contained in the Instrument of Delegations of Local Government;
9. Whilst exercising a power, the delegate may take into account Ailan Kastom (section 9(3) LGA 2009); and
10. All Powers delegated to the Chief Executive Officer in this Instrument shall be subject to prior Council consultation where exercise of such Power in all reasonable likelihood shall:
 -
 - a. impact on land and/or sea; and/or
 - b. involve payment of compensation regarding land; and/or
 - c. require a budget amendment.

DELEGABLE POWERS UNDER THE ENVIRONMENTAL PROTECTION ACT 1994 ("ENPA")

CHAPTER 5 – ENVIRONMENTAL AUTHORITIES FOR ENVIRONMENTALLY RELEVANT ACTIVITIES

Part 2 – Application Stage

Division 4 – Notices about not properly made applications

Entity power given to	Section of ENPA	Description	Delegation to the CEO / Date of Resolution	Sub-Delegation to Officers	Date of Sub-Delegation	Limitations and Conditions
Administerin g Authority	128(2)	In certain circumstances, the power to give the applicant a notice.				
Administerin g Authority	129(2)	In certain circumstances, the power to agree to a further period with the applicant.				

Division 5 – Joint applicants

Entity power given to	Section of ENPA	Description	Delegation to the CEO / Date of Resolution	Sub-Delegation to Officers	Date of Sub-Delegation	Limitations and Conditions
Administerin g Authority	130(3)	In certain circumstances, the power to: (a) give a notice or other document relating to the application to all the applicants, by giving it to the principal applicant nominated in the application; or (b) make a requirement under this chapter relating to the application				

		of all the applicants, by making it of the principal applicant nominated in the application.				
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Division 6 – Changing applications

Subdivision 1 – Preliminary

Entity power given to	Section of ENPA	Description	Delegation to the CEO / Date of Resolution	Sub-Delegation to Officers	Date of Sub-Delegation	Limitations and Conditions
Administering Authority	131(d)	In certain circumstances, power to be satisfied that a change would not adversely affect the ability of the authority to assess the changed application.				

Subdivision 3 – Changed applications – effect on assessment process

Entity power given to	Section of ENPA	Description	Delegation to the CEO / Date of Resolution	Sub-Delegation to Officers	Date of Sub-Delegation	Limitations and Conditions
Administering Authority	133(1)(b)	Power to agree in writing to the change.				
Administering Authority	134(4)	In certain circumstances, the power to be satisfied that the change would not be likely to attract a submission objecting to the thing the subject of the change, if the notification stage were to apply to the change.				

Part 3 – Information stage

Division 2 – Information requests

Entity power given to	Section of ENPA	Description	Delegation to the CEO / Date of Resolution	Sub-Delegation to Officers	Date of Sub-Delegation	Limitations and Conditions
Administering Authority	140(1)	Power to ask the applicant, by written request (an information request), to give further information needed to assess the application.				
Administering Authority	143(2)	In certain circumstances, the power to include in an information request a requirement that the applicant provide an EIS for the application.				
Administering Authority	145(1)	Power to, by written notice given to the applicant and without the applicant's agreement, extend the information request period by not more than 10 business days.				
Administering Authority	145(3)	Power to request a further extension of the information request period.				
Administering Authority	147(3)	Power to, within 5 business days after receiving the request: (a) decide whether to agree to the extension; and (b) give an information notice of the decision.				

Part 4 – Notification stage

Division 1 – Preliminary

Entity power given to	Section of ENPA	Description	Delegation to the CEO / Date of Resolution	Sub-Delegation to Officers	Date of Sub-Delegation	Limitations and Conditions
Administering Authority	150(1)(d)	In certain circumstances, the power to be satisfied that the change would not be likely to attract a submission objecting to the thing the subject of the change, if the notification stage were to apply to the change.				

Division 2 – Public notice

Entity power given to	Section of ENPA	Description	Delegation to the CEO / Date of Resolution	Sub-Delegation to Officers	Date of Sub-Delegation	Limitations and Conditions
Administering Authority	152(3)	Power to: (a) give the applicant an information notice about the decision before the application notice is given; and (b) decide an additional or substituted way to give or publish the application notice.				
Administering Authority	159(2)	In certain circumstances, power to decide whether to allow the application to proceed under this part as if the noncompliance had not happened.				
Administering Authority	159(3)	In certain circumstances, power to be satisfied that there has been substantial				

		compliance with the public notice requirements.				
Administering Authority	159(4)	In certain circumstances, power to within 10 business days after the decision is made, give the applicant written notice of the decision.				
Administering Authority	159(5)(b)(i)	In certain circumstances, power to: (a) fix a substituted way to give or publish the application notice; and (b) give the applicant written notice of the substituted way.				
Administering Authority	159(5)(b)(ii)	In certain circumstances, power to: (a) fix a new submission period for the application; and (b) give the applicant written notice of the period.				
Administering Authority	159(5)(b)(iii)	In certain circumstances, power to give the applicant an information notice about the decision.				

Division 3 – Submissions about applications

Entity power given to	Section of ENPA	Description	Delegation to the CEO / Date of Resolution	Sub-Delegation to Officers	Date of Sub-Delegation	Limitations and Conditions
An Entity	160	Power to, within the submission period, make a submission to the administering authority about the application.				
Administering Authority	161(3)	Power to accept a written submission even if it is not a properly made submission.				

An Entity	162(1)	In certain circumstances, power to, by written notice, amend or replace a submission.				
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Part 5 – Decision stage

Division 2 – Deciding an application

Subdivision 1 – Decision period

Entity power given to	Section of ENPA	Description	Delegation to the CEO / Date of Resolution	Sub-Delegation to Officers	Date of Sub-Delegation	Limitations and Conditions
Administerin g Authority	168(2)	In certain circumstances, the power to, by written notice given to the applicant and without the applicant's agreement, extend the period mentioned in subsection 168(1) by not more than 20 business days.				
Administerin g Authority	168(4)	Power to request a further extension of the decision period.				

Subdivision 2 – Decision

Entity power given to	Section of ENPA	Description	Delegation to the CEO / Date of Resolution	Sub-Delegation to Officers	Date of Sub-Delegation	Limitations and Conditions
Administerin g Authority	170(2)(a)	In certain circumstances, the power to decide that that the application be approved subject to the standard conditions for the relevant activity or authority.				
Administerin g Authority	170(2)(b)	In certain circumstances, the power to decide that the applicant be issued an environmental authority on conditions				

		that are different to the standard conditions for the activity or authority.				
Administerin g Authority	171(2)(a)	In certain circumstances, the power to decide that the application be approved subject to conditions that are different to the standard conditions for the activity or authority.				
Administerin g Authority	171(2)(b)	In certain circumstances, the power to decide that the applicant be issued an environmental authority subject to the standard conditions for the activity or authority.				
Administerin g Authority	172(2)	In certain circumstances, the power to decide that the application: (a) be approved subject to conditions; or (b) be refused.				
Administerin g Authority	173(1)	Power to refuse an application if the applicant is not a registered suitable operator.				
Administerin g Authority	173(3)	In certain circumstances, power to refuse an application for an environmental authority.				

Division 4 – Steps after deciding application

Entity power given to	Section of ENPA	Description	Delegation to the CEO / Date of Resolution	Sub-Delegation to Officers	Date of Sub- Delegation	Limitations and Conditions
Administerin g Authority	195	In certain circumstances, power to issue an environmental authority to the applicant.				

Administerin g Authority	198(2)	In certain circumstances, power to give the application an information notice about the decision.				
Administerin g Authority	198(4)	In certain circumstances, power to give any submitter for the application an information notice about the decision.				

Division 6 – Conditions

Entity power given to	Section of ENPA	Description	Delegation to the CEO / Date of Resolution	Sub-Delegation to Officers	Date of Sub- Delegation	Limitations and Conditions
Administerin g Authority	203(1)	Power to impose a condition on an environmental authority or draft environmental authority if: (a) it considers the condition is necessary or desirable; and (b) if the authority is for an application to which section 115 applies - the condition relates to the carrying out of the relevant prescribed ERA.				
Administerin g Authority	203(2)	In certain circumstances, power to impose a condition on an environmental authority or draft environmental authority.				
Administerin g Authority	204(2)	In certain circumstances, power to impose on the authority a condition requiring the holder of the authority to take all reasonable steps to ensure the relevant activity complies with the eligibility criteria for the activity.				

Administerin g Authority	209(4)	Power to enter into an agreement to establish obligations, or secure the performance, of a party to the agreement about a condition.				
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Part 6 – Amending environmental authorities by administering authority

Division 1 – Amendments

Entity power given to	Section of ENPA	Description	Delegation to the CEO / Date of Resolution	Sub-Delegation to Officers	Date of Sub-Delegation	Limitations and Conditions
Administerin g Authority	211	In certain circumstances, power to amend an environmental authority to correct a clerical or formal error.				
Administerin g Authority	212(2)	Power to amend the environmental authority to ensure compliance with conditions included in a determination made by the NNTT under the Commonwealth Native Title Act, section 38(1)(c).				
Administerin g Authority	212(3)	Power to give written notice of the amendment to the environmental authority holder.				
Administerin g authority	212A(2)	Power to amend the environmental authority to ensure it is consistent with the regional interests development approval.				
Administerin g authority	212A(3)	Power to given written notice the amendment to the environmental authority holder.				

Administerin g Authority	213(2)	In certain circumstances, power to amend the existing authority to replace the existing standard conditions with the new standard conditions.				
Administerin g Authority	213(3)	In certain circumstances, power to give written notice of the amendment to the environmental authority holder.				
Administerin g Authority	214(2)	In certain circumstances, power to amend the environmental authority.				
Administerin g Authority	214(3)	In certain circumstances, power to give: (a) an information notice about the amendment to the holder of the environmental authority; and (b) written notice of the amendment to the assessment manager for the development application.				
Administerin g Authority	215(1)	In certain circumstances, power to amend an environmental authority.				
Administerin g Authority	215(1)(a)	Power to consider the amendment is necessary or desirable because of a matter mentioned in subsection (2) and the procedure under division 2 is followed.				

Division 2 – Procedure for particular amendments

Entity power given to	Section of ENPA	Description	Delegation to the CEO / Date of Resolution	Sub-Delegation to Officers	Date of Sub- Delegation	Limitations and Conditions
Administerin g Authority	216	Power to propose to amend an environmental authority				

Administerin g Authority	217	Power to give the environmental authority holder a written notice (the <i>proposed amendment notice</i>).				
Administerin g Authority	218	Power to consider any written representation made within the period stated in the proposed amendment notice by the holder of the environmental authority.				
Administerin g Authority	219(1)	In certain circumstances, power to believe a ground exists to make the proposed amendment, and to make the amendment.				
Administerin g Authority	219(3)	Power to give the holder written notice of the decision.				
Administerin g Authority	220	Power to give the environmental authority holder an information notice about the decision.				

Division 3 – Steps for amendments

Entity power given to	Section of ENPA	Description	Delegation to the CEO / Date of Resolution	Sub-Delegation to Officers	Date of Sub-Delegation	Limitations and Conditions
Administerin g Authority	221(2)(b)	In certain circumstances, power to issue the amended environmental authority to the holder.				

Part 7 – Amendment of environmental authorities by application

Division 2A – Provision for particular amendment applications

Entity power given to	Section of ENPA	Description	Delegation to the CEO / Date of Resolution	Sub-Delegation to Officers	Date of Sub-Delegation	Limitations and Conditions
Administering Authority	227A(2)	Power to refuse application within 10 business days after receiving the amendment application.				
Administering Authority	227A(3)	Power to require the holder of the environmental authority to make a site-specific application for a new environmental authority.				
Administering Authority	227A(5)	Power to give written notice of any refusal.				

Division 3 – Assessment level decisions

Entity power given to	Section of ENPA	Description	Delegation to the CEO / Date of Resolution	Sub-Delegation to Officers	Date of Sub-Delegation	Limitations and Conditions
Administering Authority	228(1)	Power to decide whether the proposed amendment is a major or minor amendment.				
Administering Authority	229	Power to give the applicant a written notice.				
Administering Authority	230(2)	In certain circumstances, power to be satisfied that: (a) there is likely to be a substantial increase in the risk of				

		<p>environmental harm under the amended environmental authority; and</p> <p>(b) the risk is the result of a substantial change in:</p> <p>(i) the quantity or quality of contaminant permitted to be released into the environment; or</p> <p>(ii) the results of the release of a quantity or quality of contaminant permitted to be released into the environment.</p>				
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Division 4 – Process if proposed amendment is a major amendment

Entity power given to	Section of ENPA	Description	Delegation to the CEO / Date of Resolution	Sub-Delegation to Officers	Date of Sub-Delegation	Limitations and Conditions
Administering Authority	233(3)	<p>In certain circumstances, power to:</p> <p>(a) decide another way of publishing the notice for subsection (2)(b)(ii); and</p> <p>(b) give the applicant an information notice about the decision before the notice is published.</p>				
Administering Authority	237(1)(b)	Power to agree in writing to the change.				
Administering Authority	238(3)(a)	In certain circumstances, power to within 10 business days after notice of the change is received, ask the applicant to				

		give further information needed to assess the application				
Administerin g Authority	238(7)	In certain circumstances, power to be satisfied the change would not be likely to attract a submission objecting to the thing the subject of the change, if the notification stage were to apply to the change.				

Division 5 – Process if proposed amendment is minor amendment

Entity power given to	Section of ENPA	Description	Delegation to the CEO / Date of Resolution	Sub-Delegation to Officers	Date of Sub-Delegation	Limitations and Conditions
Administerin g Authority	240(1)	Power to decide either to approve or refuse the application: (a) for a condition conversion – within 10 business days after the application is received (for a condition conversion); or (b) otherwise, within 10 business days after notice of the assessment level decision is given to the applicant.				
Administerin g Authority	240(2)	Power to be satisfied the proposed amendment is necessary or desirable.				
Administerin g Authority	240(3)	In certain circumstances, power to make any other amendments to the conditions of the environmental authority it considers: (a) relate to the subject matter of the proposed amendment; and				

		(b) are necessary or desirable.				
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Division 6 – Steps after deciding amendment application

Entity power given to	Section of ENPA	Description	Delegation to the CEO / Date of Resolution	Sub-Delegation to Officers	Date of Sub-Delegation	Limitations and Conditions
Administering Authority	242(1)(b)	In certain circumstances, power to issue the amended environmental authority to the applicant.				
Administering Authority	242(3)	Power to within 5 business days after the decision is made, give the applicant an information notice about the decision.				

Part 8 – Amalgamating environmental authorities

Division 2 – Deciding amalgamation application

Entity power given to	Section of ENPA	Description	Delegation to the CEO / Date of Resolution	Sub-Delegation to Officers	Date of Sub-Delegation	Limitations and Conditions
Administering Authority	247(1)	Power to, within 20 business days after the day the amalgamation application is received, decide to: (a) approve the application; or (b) if the application is for an amalgamated local government authority or amalgamated project authority—refuse the application.				
Administering Authority	247(2)(c)	Power to be satisfied there is an appropriate degree of integration between the activities.				

Administerin g Authority	247(3)	Power to be satisfied the relevant activities for the existing environmental authorities are being carried out as a single integrated operation.				
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Division 3 – Miscellaneous provisions

Entity power given to	Section of ENPA	Description	Delegation to the CEO / Date of Resolution	Sub-Delegation to Officers	Date of Sub-Delegation	Limitations and Conditions
Administerin g Authority	248(b)	In certain circumstances, power to issue to the applicant: (a) if the application is for an amalgamated corporate authority – an amalgamated corporate authority; or (b) if the application is for an amalgamated local government authority – an amalgamated local government authority; or (c) if the application is for an amalgamated project authority – an amalgamated project authority.				
Administerin g Authority	249	Power to, within 10 business days after refusing an amalgamation application, give the applicant an information notice about the decision.				

Division 4 – De-amalgamating environmental authorities

Entity power given to	Section of ENPA	Description	Delegation to the CEO / Date of Resolution	Sub-Delegation to Officers	Date of Sub-Delegation	Limitations and Conditions
Administering Authority	250C(a)	Power to de-amalgamate the relevant authority within 15 business days after receiving a de-amalgamation application that complies with section 250B.				

Part 9 – Transferring environmental authorities for prescribed ERAs

Entity power given to	Section of ENPA	Description	Delegation to the CEO / Date of Resolution	Sub-Delegation to Officers	Date of Sub-Delegation	Limitations and Conditions
Administering Authority	254(1)	Power to consider each transfer application and decide to: (a) approve the transfer; or (b) refuse the transfer.				
Administering Authority	255(1)(b)	In certain circumstances, power to issue the amended environmental authority (the <i>transferred environmental authority</i>) to each holder.				
Administering Authority	255(2)	In certain circumstances, power to, within 10 business days after the decision is made, give the existing holder and the proposed holder written notice of the decision.				

Part 10 – Surrender of environmental authorities

Division 1 – Preliminary

Entity power given to	Section of ENPA	Description	Delegation to the CEO / Date of Resolution	Sub-Delegation to Officers	Date of Sub-Delegation	Limitations and Conditions
Administering Authority	258(2)	In certain circumstances, power to by written notice (a surrender notice), require the holder of the environmental authority to make a surrender application.				
Administering Authority	261(2)	In certain circumstances, power to approve a surrender application for part of the environmental authority.				

Division 3 – Final rehabilitation reports

Entity power given to	Section of ENPA	Description	Delegation to the CEO / Date of Resolution	Sub-Delegation to Officers	Date of Sub-Delegation	Limitations and Conditions
Administering Authority	264(2)(a)	Power to agree to a methodology.				

Division 4 – Requests for information

Entity power given to	Section of ENPA	Description	Delegation to the CEO / Date of Resolution	Sub-Delegation to Officers	Date of Sub-Delegation	Limitations and Conditions
Administering Authority	265	Power to ask the applicant, by written request, to give further information needed to assess the surrender application.				

Division 5 – Deciding surrender applications

Entity power given to	Section of ENPA	Description	Delegation to the CEO / Date of Resolution	Sub-Delegation to Officers	Date of Sub-Delegation	Limitations and Conditions
Administering Authority	266(1)	Power to decide to: (a) approve the surrender application; or (b) refuse the surrender application.				
Administering Authority	269(a)	Power to be satisfied the conditions of the environmental authority have been complied with.				
Administering Authority	269(b)(i)	Power to be satisfied the land on which each relevant activity for the environmental authority has been carried out has been satisfactorily rehabilitated.				
Administering Authority	269(b)(ii)	Power to be satisfied the land will be satisfactorily rehabilitated under a transitional environmental program.				
Administering Authority	269(c)	Power to be satisfied of another circumstance prescribed by regulation.				

Division 8 – Miscellaneous provisions

Entity power given to	Section of ENPA	Description	Delegation to the CEO / Date of Resolution	Sub-Delegation to Officers	Date of Sub-Delegation	Limitations and Conditions
Administering Authority	275(a)(ii)	In certain circumstances, power to give the applicant written notice of the decision.				

Administerin g Authority	275(b)	In certain circumstances, power to give the applicant an information notice about the decision.				
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Part 11 – Cancellation or suspension of environmental authorities

Division 1 – Preliminary

Entity power given to	Section of ENPA	Description	Delegation to the CEO / Date of Resolution	Sub-Delegation to Officers	Date of Sub-Delegation	Limitations and Conditions
Administerin g Authority	278(1)	In certain circumstances, power to cancel or suspend an environmental authority.				

Division 2 – Procedure for cancellation or suspension by administering authority

Entity power given to	Section of ENPA	Description	Delegation to the CEO / Date of Resolution	Sub-Delegation to Officers	Date of Sub-Delegation	Limitations and Conditions
Administerin g Authority	280(1)	Power to give the environmental authority holder a written notice.				
Administerin g Authority	281	Power to consider any written representation made within the stated period by the environmental authority holder.				
Administerin g Authority	282(1)	In certain circumstances, power to believe a ground exists to take the proposed action.				
Administerin g Authority	282(1)(a)	In certain circumstances, power to suspend the environmental authority for				

		no longer than the proposed suspension period.				
Administerin g Authority	282(1)(b)	In certain circumstances, power to either cancel the environmental authority or suspend it for a fixed period.				
Administerin g Authority	282(3)	Power to decide not to take the proposed action and, if so, give the environmental authority holder written notice of the decision.				
Administerin g Authority	283(1)	Power to give the environmental authority holder an information notice about the decision.				
Administerin g Authority	283(2)	In certain circumstances, power to give written notice of the decision to the chief executive administering the resource legislation.				

Part 11A - General provisions

Division 3 – Deciding suspension applications

Entity power given to	Section of ENPA	Description	Delegation to the CEO / Date of Resolution	Sub-Delegation to Officers	Date of Sub- Delegation	Limitations and Conditions
Administerin g Authority	284C	Power to decide whether to approve the application or refuse the application.				
Administerin g Authority	284F(1)(a)) (ii)	In certain circumstances, power to give the holder of the environmental authority written notice of the decision.				
Administerin g Authority	284F(1)(b))	In certain circumstances, power to give the holder an information notice about the decision.				

Part 12 – General provisions

Division 1 – Plan of operations for environmental authority relating to mining lease or petroleum lease

Entity power given to	Section of ENPA	Description	Delegation to the CEO / Date of Resolution	Sub-Delegation to Officers	Date of Sub-Delegation	Limitations and Conditions
Administering Authority	287	Power to agree with the holder in writing to a shorter period.				

Division 2 – Financial assurance

Subdivision 1 – Requiring financial assurance

Entity power given to	Section of ENPA	Description	Delegation to the CEO / Date of Resolution	Sub-Delegation to Officers	Date of Sub-Delegation	Limitations and Conditions
Administering Authority	292(1)	Power to, by condition of an environmental authority, require the holder of the environmental authority to give the administering authority financial assurance.				
Administering Authority	292(2)	Power to be satisfied the condition is justified.				
Administering Authority	292(3)	Power to require a financial assurance to remain in force until satisfied no claim is likely to be made on the assurance.				

Subdivision 2 – Amount and form of financial assurance

Entity power given to	Section of ENPA	Description	Delegation to the CEO / Date of Resolution	Sub-Delegation to Officers	Date of Sub-Delegation	Limitations and Conditions
Administering Authority	295(1)	Power to decide the amount and form of financial assurance required under a condition of an environmental authority.				
Administering Authority	295(2)(c)	Power to agree with the holder of the environmental authority to a further period.				
Administering Authority	295(4)	Power to form an opinion as to the amount that represents the total of likely costs and expenses that may be incurred taking action to rehabilitate or restore and protect the environment because of environmental harm that may be caused by the activity.				
Administering Authority	296	Power to, within 5 business days after making a decision under section 295(1), give an information notice about the decision to the holder of the environmental authority.				

Subdivision 3 – Claiming or realising financial assurance

Entity power given to	Section of ENPA	Description	Delegation to the CEO / Date of Resolution	Sub-Delegation to Officers	Date of Sub-Delegation	Limitations and Conditions
Administering Authority	299(2)	Power to must give written notice to the entity who gave the financial assurance.				

Administerin g Authority	300	Power to consider any written representations made within the stated period by the entity who gave the financial assurance.				
Administerin g Authority	301(1)	Power to decide whether to make a claim on or realise the financial assurance.				
Administerin g Authority	301(2)	In certain circumstances, power to give the entity an information notice about the decision.				

Subdivision 4 – Amending or discharging financial assurance

Entity power given to	Section of ENPA	Description	Delegation to the CEO / Date of Resolution	Sub-Delegation to Officers	Date of Sub-Delegation	Limitations and Conditions
Administerin g Authority	304(1)	Power to, by written notice, require the applicant to give it a compliance statement for the financial assurance before deciding the application.				
Administerin g Authority	305(1)(a)	Power to approve or refuse the application.				
Administerin g Authority	305(1)(b)	In certain circumstances, power to give the applicant an information notice about the decision.				
Administerin g Authority	305(3)	Power to be satisfied no claim is likely to be made on the assurance.				
Administerin g Authority	305(5)	Power to withhold making a decision under subsection (1).				

Administering Authority	306(1)	In certain circumstances, power to, at any time, require the holder of an environmental authority or small scale mining tenure for which financial assurance has been given to change the amount of the financial assurance.				
Administering Authority	306(3)	Power to give written notice to the holder of the environmental authority or small scale mining tenure.				
Administering Authority	306(6)	In certain circumstances, power to consider any written submissions made by the holder within the stated period.				

Division 3 – Annual fees and returns

Subdivision 1 – Annual notices

Entity power given to	Section of ENPA	Description	Delegation to the CEO / Date of Resolution	Sub-Delegation to Officers	Date of Sub-Delegation	Limitations and Conditions
Administering Authority	308(2)	In certain circumstances, power to give the environmental authority holder a written notice complying with subsection (3) (an annual notice).				
Administering Authority	310(1)	In certain circumstances, power to change the anniversary day, for an environmental authority for which an annual fee is prescribed under a regulation, to another day (the new day).				
Administering Authority	311	Power to decide whether or not to change the anniversary day to the new day.				

Administerin g Authority	312	Power to give the holder: (a) if the decision is to change the day – written notice of the decision; or (b) if the decision is not to change the day – an information notice about the decision.				
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Division 4 – Non-compliance with eligibility criteria

Entity power given to	Section of ENPA	Description	Delegation to the CEO / Date of Resolution	Sub-Delegation to Officers	Date of Sub-Delegation	Limitations and Conditions
Administerin g Authority	314(2)	In certain circumstances, power to require the holder of the environmental authority to: (a) make a site-specific application for a new environmental authority under part 2; or (b) make an amendment application for the authority under part 7.				
Administerin g Authority	314(3)	Power to give written notice of the proposed requirement to the holder of the environmental authority.				
Administerin g Authority	314(5)	Power consider any representations made by the holder within the stated period.				

Division 5 – Miscellaneous provisions

Entity power given to	Section of ENPA	Description	Delegation to the CEO / Date of Resolution	Sub-Delegation to Officers	Date of Sub-Delegation	Limitations and Conditions
Administering Authority	315(1)	Power to ask any entity for advice, comment or information about an application made under this chapter at any time.				

CHAPTER 7 – ENVIRONMENTAL MANAGEMENT

Part 1 – Environmental duties

Division 2 – Duty to notify of environmental harm

Subdivision 3B – Duty of local government

Entity power given to	Section of ENPA	Description	Delegation to the CEO / Date of Resolution	Sub-Delegation to Officers	Date of Sub-Delegation	Limitations and Conditions
Local Government	320DB(1)	Power to give the administering authority written notice of the activity.				
Local Government	320DB(2)	Power to give the administering authority written notice of: (a) the nature of the event or change in the condition and the circumstances in which the event or change happened or is happening; or (b) within 24 hours after becoming aware of the event or change in condition of the land.				

Part 2 – Environmental evaluations
Division 2 – Environmental audits
Subdivision 1 – Audit requirements

Entity power given to	Section of ENPA	Description	Delegation to the CEO / Date of Resolution	Sub-Delegation to Officers	Date of Sub-Delegation	Limitations and Conditions
Administerin g Authority	322(1)	In certain circumstances, power to, by written notice, require the holder of an environmental authority to: (a) conduct or commission an audit (an environmental audit) about a stated matter concerning a relevant activity; and (b) give the administering authority an environmental report on the audit.				
Administerin g Authority	322(2)	Power to be reasonably satisfied the audit is necessary or desirable.				
Administerin g Authority	323(1)	Power to be satisfied that: (a) a person is, or has been, contravening (i) a regulation; or (ii) an environmental protection policy; or (iii) an agricultural ERA standard; or (iv) a transitional environmental program; or (v) an enforceable undertaking; or (b) a person is, or has been, contravening any of the following provisions:				

		<ul style="list-style-type: none"> (i) section 363E; (ii) section 440Q; (iii) section 440ZG; (iv) a provision of chapter 8, part 3D, 3E or 3F. 				
Administerin g Authority	323(2)	<p>Power to, by written notice (also an audit notice), require the person to:</p> <ul style="list-style-type: none"> (a) Conduct or commission an audit (also an environmental audit) about the matter; and (b) give the administering authority an environmental report about the audit. 				

Division 3 – Environmental investigations

Entity power given to	Section of ENPA	Description	Delegation to the CEO / Date of Resolution	Sub-Delegation to Officers	Date of Sub-Delegation	Limitations and Conditions
Administerin g Authority	326B(1)	<p>Power to be satisfied on reasonable grounds that:</p> <ul style="list-style-type: none"> (a) an event has happened causing environmental harm while an activity was being carried out; or (b) an activity or proposed activity is causing, or is likely to cause environmental harm. 				
Administerin g Authority	326B(2)	<p>Power to, by written notice (an investigation notice), require the person who has carried out, is carrying out or is proposing to carry out the activity to:</p>				

		(a) conduct or commission an investigation (an <i>environmental investigation</i>) about the event or activity; and (b) submit an environmental report about the investigation to the authority.				
Administering Authority	326BA(1)	Power to be satisfied that circumstances contained in subsection (a) – (c) apply to the land.				
Administering Authority	326BA(2)	Power to give written notice (an investigation notice) requiring a prescribed responsible person for the land to: (a) conduct or commission an investigation; and (b) give the administering authority an investigation report.				

Division 5 – Steps after receiving environmental reports

Entity power given to	Section of ENPA	Description	Delegation to the CEO / Date of Resolution	Sub-Delegation to Officers	Date of Sub-Delegation	Limitations and Conditions
Administering Authority	326F(2)	Power to, by written notice, ask the recipient to give further information needed to decide whether to approve the environmental report.				
Administering Authority	326G(4)	Power to decide to accept the report or to refuse to accept the report.				

Administering Authority	326G(5)	Power to be satisfied that the report does not adequately address the relevant matters for the environmental investigation to which the report relates.				
Administering Authority	326G(7)	In certain circumstances, power to extend the period mentioned in subsection (6) for making the decision.				
Administering Authority	326G(7)(a)	Power to be satisfied that there are special circumstances for extending the time.				
Administering Authority	326G(8)	Power to give the recipient written notice of the decision within 5 business days after making the decision.				
Administering Authority	326H	Power to do one or more of the following: (a) require the recipient to prepare and submit a transitional environmental program to it; (b) if the recipient is the holder of an environmental authority – amend the conditions of the authority; (c) serve an environmental protection order on the recipient; or (d) take any other action it considers appropriate.				
Administering Authority	326I(2)	Power to require the recipient to conduct or commission another environmental investigation and submit a report on the investigation to it.				

Administerin g Authority	326l(3)	Power to give written notice to the recipient.				
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Part 3 – Transitional environmental programs

Division 2 – Submission and approval of transitional environmental programs

Entity power given to	Section of ENPA	Description	Delegation to the CEO / Date of Resolution	Sub-Delegation to Officers	Date of Sub-Delegation	Limitations and Conditions
Administerin g Authority	332(1)	Power to require a person or public authority to prepare and submit for approval a draft transitional environmental program as a condition of an environmental authority.				
Administerin g Authority	332(2)	In the specified circumstances, the power to require a person or public authority to prepare and submit for approval a draft transitional environmental program.				
Administerin g Authority	334A(1)	Power to, by written notice, ask the person or public authority that submitted the draft transitional environmental program to give further information needed to decide whether to approve the draft program.				
Administerin g Authority	336(1)	Power to invite a person or public authority that has submitted a draft transitional environmental program and another person who has made a submission under section 335 of the Environmental Protection Act 1994 about the transitional environmental				

		program, to a conference to help in deciding whether or not to approve the program.				
Administerin g Authority	336(2)	Power to give written notice to all persons invited to attend a conference of when and where the conference is to be held.				
Administerin g Authority	336(3)	If it's considered impracticable to give notice to all persons invited to attend a conference, the power to give notice of the conference by publishing a notice in the newspapers you decide.				
Administerin g Authority	336(4)	In specified circumstances, the power to appoint an independent person to mediate a conference.				
Administerin g Authority	336A(1)	Power to ask any person for advice, comment or information about a submission for approval of a transitional environmental program at any time.				
Administerin g Authority	337(1)	In specified circumstances, the power to decide whether to approve a draft transitional environmental program within the specified time period.				
Administerin g Authority	337(2)	In certain circumstances, power to extend the period mentioned in subsection (1) for making the decision.				
Administerin g Authority	337(2)	Power to gives an information notice about the decision to extend to the person or public authority that submitted the program and any submitters.				

Administerin g Authority	338(1)	In deciding whether to approve or refuse to approve a draft program or the conditions (if any) of the approval, the power to: (a) comply with any relevant regulatory requirement; and (b) subject to paragraph (a), consider the specified criteria.				
Administerin g Authority	339(1)	Power to: (a) approve a draft transitional environment program: (i) as submitted; or (ii) as amended at the request, or with the agreement, of the administering authority; or (b) refuse to approve a draft transitional environmental program.				
Administerin g Authority	339(2)	Power to impose on an approval of a draft transitional environmental program: (a) any conditions the authority must impose under a regulatory requirement; (b) a condition requiring the holder of the approval to give an amount of financial assurance as security for compliance with the transitional environmental program and any conditions of the program; and				

		(c) any other conditions the administering authority considers appropriate.				
Administerin g Authority	340(1)	Power to, within 8 business days after making a decision under section 339, give the person or public authority that submitted the program a written notice about the decision.				
Administerin g Authority	340(2)(b)	If the program is approved, power to state any conditions imposed on the approval by the administering authority.				
Administerin g Authority	340(2)(c)	If the program is approved, power to state the day the approval ends.				
Administerin g Authority	340(3)	If the program is refused, or approved with conditions, power to give an information notice.				
Administerin g Authority	342(2)	In specified circumstances, the power to consider and decide whether to approve a draft transitional environmental program if satisfied there has been substantial compliance with the Environmental Protection Act 1994.				
Administerin g Authority	343A(2)(B)	In certain circumstances, power to give the holder of the environmental authority a copy of the environmental authority including the note.				

Division 3A – Financial assurances

Entity power given to	Section of ENPA	Description	Delegation to the CEO / Date of Resolution	Sub-Delegation to Officers	Date of Sub-Delegation	Limitations and Conditions
Administering Authority	344(3)	In specified circumstances, the power to approve an amendment of an approval for a transitional environmental program for an environmentally relevant activity.				
Administering Authority	344(4)	Without limiting the matters to be considered in deciding an application, the power to have regard to the specified criteria.				
Administering Authority	344A(2)	Power to may recover the reasonable costs or expenses of taking the action by making a claim on or realising the financial assurance or part of it.				
Administering Authority	344A(3)	Power to give written notice to the person who gave the financial assurance.				
Administering Authority	344B	Power to consider any written representations made within the stated period by the person who gave the financial assurance.				
Administering Authority	344C(1)	Power to, within 10 business days after the end of the stated period, decide whether to make a claim on or realise the financial assurance.				
Administering Authority	344C(2)	Power to, within 5 business days after making the decision, give the person an information notice about the decision.				

Division 3B – Cancellation of approval for transitional environmental programs

Entity power given to	Section of ENPA	Description	Delegation to the CEO / Date of Resolution	Sub-Delegation to Officers	Date of Sub-Delegation	Limitations and Conditions
Administering Authority	344E(1)	Power to cancel the approval for a transitional environmental program for the reasons provided in that subsection.				
Administering Authority	344E(1)(b)	Power to be satisfied the approval holder has: (i) disposed of the place or business to which the program relates; or (ii) ceased the activity to which the program relates.				
Administering Authority	344E(2)(a)	Power to give a notice stating the details of the cancellation to the approval holder.				
Administering Authority	344F(2)(a)	Power to withdraw the notice by another written notice.				
Administering Authority	344G(2)	Power to give the holder of the environmental authority a copy of the authority that does not include the note.				

Part 4 – Special provisions about voluntary submission of transitional environmental programs

Entity power given to	Section of ENPA	Description	Delegation to the CEO / Date of Resolution	Sub-Delegation to Officers	Date of Sub-Delegation	Limitations and Conditions
Administering Authority	352(1)	In specified circumstances, the power to give written notice to a person of:				

		(a) receiving a program notice; and (b) the day by which a draft transitional environmental program dealing with the activity must be submitted for approval.				
Administerin g Authority	355(1)	In certain circumstances, power to apply to the Court for an order that section 353(1) does not apply to the person for any continuation of the original offence.				

Part 4A – Temporary emissions licences

Entity power given to	Section of ENPA	Description	Delegation to the CEO / Date of Resolution	Sub-Delegation to Officers	Date of Sub-Delegation	Limitations and Conditions
Administerin g Authority	357E(1)	Power to: (a) grant the application for a temporary emissions licence: (i) as submitted; (ii) on different terms than have been requested in the application; or (b) refuse to grant the application for a temporary emissions licence.				
Administerin g Authority	357E(2)	Power to impose conditions on the temporary emissions licence it considers are necessary or desirable.				
Administerin g Authority	357F	Power to give the applicant an information notice about the decision if the decision is to:				

		(a) grant the application on different terms than have been requested in the application: or (b) refuse the application.				
Administerin g Authority	357J	In certain circumstances, power to amend, cancel or suspend a temporary emissions licence.				

Part 5 – Environmental protection orders

Entity power given to	Section of ENPA	Description	Delegation to the CEO / Date of Resolution	Sub-Delegation to Officers	Date of Sub-Delegation	Limitations and Conditions
Administerin g Authority	358	In specified circumstances, the power to issue an order (an <i>environmental protection order</i>) to a person.				
Administerin g Authority	359	Before deciding to issue an environmental protection order, the power to consider the standard criteria.				

CHAPTER 9 – INVESTIGATION AND ENFORCEMENT

Part 1 – Administration generally

Entity power given to	Section of ENPA	Description	Delegation to the CEO / Date of Resolution	Sub-Delegation to Officers	Date of Sub-Delegation	Limitations and Conditions
As delegate of the Chief	445(1)(c) ³	In the specified circumstances, the power to appoint an authorised person.				

³ The power is subject to the following limitations as per the instrument of delegation of the Chief Executive of the Environmental Protection Agency dated 7 February 2008 (copy attached).

1. The only powers under the *Environmental Protection Act 1994* the authorised person who is appointed by the Local Govt is to exercise are:

Executive of the Environmental Protection Agency: 516(1)(b) and 517						
Chief Executive Officer	445(2)	Power to appoint an employee of a local government to be an authorised person	Delegation not required		Sub-delegation is not recommended	
As delegate of the Chief Executive of the Environmental Protection Agency: 516(1)(b) & 517.	448 ⁴	In the specified circumstances, the power to issue an identity card to each authorised person appointed.				
Administering Authority	451(1)	In the specified circumstances, the power to give a notice under section 451 of the Environmental Protection Act 1994 to a person requiring the person to give information relevant to the				

(a) Sections 440J, 452, 453, 455, 456, 457, 459, 460, 461, 462, 463A, 463, 464, 465 and 466 of the *Environmental Protection Act 1994*; and

(b) Only to be used in relation to those matters referred to in s.440D of the *Environmental Protection Act 1994*; and

2. That the certificates issued pursuant to s.490 of the *Environmental Protection Act 1994* are only used in respect of Court proceedings in relation to those matters referred to in s.440D of the *Environmental Protection Act 1994*.

⁴ The power is subject to the following limitations as per the instrument of delegation of the Chief Executive of the Environmental Protection Agency dated 7 February 2008 (copy attached).

1. The only powers under the *Environmental Protection Act 1994* the authorised person who is appointed by the Local Govt is to exercise are:
 - (a) Sections 440J, 452, 453, 455, 456, 457, 459, 460, 461, 462, 463A, 463, 464, 465 and 466 of the *Environmental Protection Act 1994*; and
 - (b) Only to be used in relation to those matters referred to in s.440D of the *Environmental Protection Act 1994*; and
2. That the certificates issued pursuant to s.490 of the *Environmental Protection Act 1994* are only used in respect of Court proceedings in relation to those matters referred to in s.440D of the *Environmental Protection Act 1994*.

		administration and enforcement of the Environmental Protection Act 1994.				
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Part 2 – Powers of authorised persons for places and vehicles

Entity power given to	Section of ENPA	Description	Delegation to the CEO / Date of Resolution	Sub-Delegation to Officers	Date of Sub-Delegation	Limitations and Conditions
Administering Authority	454(1)	Power to believe on reasonable grounds land is contaminated land				
Administering Authority	454(3)(b)	Power to give written notice to the owner and occupier.				
Administering Authority	458(2)	<p>In specified circumstances, the power to give written notice of an application made under section 458(1) of the Environmental Protection Act 1994 to:</p> <ul style="list-style-type: none"> (a) the owner of the land; and (b) if the owner is not the occupier of the land - the occupier; and (c) if the application is for an order to carry out work mentioned in section 458(1)(a) of the Environmental Protection Act 1994: <ul style="list-style-type: none"> (i) the environmental authority holder; or (ii) transitional environmental program approval holder; or (iii) the registered operator. (d) if the application is for an order to take actions required under a 				

		clean-up notice – the recipient of the notice.				
Administerin g Executive	463(2)	In specified circumstances, the power to direct the destruction or disposal of a forfeited thing.	Delegation not required			
As delegate of the Chief Executive of the Environmental Protection Agency: 516(1)(b) and 517.	490	In specified circumstances, the power to issue a certificate.				

CHAPTER 10 – LEGAL PROCEEDINGS

Part 3 – Legal proceedings

Entity power given to	Section of ENPA	Description	Delegation to the CEO / Date of Resolution	Sub-Delegation to Officers	Date of Sub-Delegation	Limitations and Conditions
Administerin g Authority	502A(2)	Power to carry out work or take any other action reasonably necessary to fulfil the requirements of an order made against a person under section 502.				

Part 5 – Enforceable undertakings

Entity power given to	Section of ENPA	Description	Delegation to the CEO / Date of Resolution	Sub-Delegation to Officers	Date of Sub-Delegation	Limitations and Conditions
Administerin g Authority	507(1)	Power to accept an enforceable undertaking.				

Administerin g Authority	507(3)	Power to give written notice of: (a) administering authority's decision to accept or reject the enforceable undertaking; and (b) the reasons for the decision.				
Administerin g Authority	507(4)	Power to form a reasonable belief that the undertaking will: (a) secure compliance with the Act; and (b) enhance the protection of the environment.				
Administerin g Authority	509(1)	Power to give written agreement to: (a) withdraw the undertaking; or (b) vary the undertaking.				
Administerin g Authority	510	Power to amend an enforceable undertaking with the written agreement of the person who made the undertaking.				
Administerin g Authority	511	Power to: (a) amend an enforceable undertaking to correct a clerical or formal error; and (b) give written notice of the amendment to the enforceable undertaking.				
Administerin g Authority	512(1)	Power to amend or suspend an enforceable undertaking if the administering authority is satisfied of the requirements in paragraphs (a) – (d).				

Administerin g Authority	512(2)	Power to give a notice stating proposed action in respect of the enforceable undertaking.				
Administerin g Authority	512(4)	Power to consider written representations.				
Administerin g Authority	512(5)	Power to decide to take action under the section.				
Administerin g Authority	512(6)	Power to give an information notice about the decision within 10 business days after making the decision.				
Administerin g Authority	512(7)	Power to give written notice of a decision not to take action.				
Administerin g Authority	513(2)	Power to apply to the Magistrates Court for an order about contravention of enforceable undertaking.				

CHAPTER 11 – ADMINISTRATION

Part 2 – Delegations

Entity power given to	Section of ENPA	Description	Delegation to the CEO / Date of Resolution	Sub-Delegation to Officers	Date of Sub-Delegation	Limitations and Conditions
Chief Executive Officer (both as Chief Executive Officer and as Administerin g Executive)	517(2)	Power to delegate their powers under this Act to an appropriately qualified employee of the local government.	CEO Power – No delegation required	Do not recommend sub-delegation		

Part 3 – Review of decisions and appeals

Division 2 – Internal review of decisions

Entity power given to	Section of ENPA	Description	Delegation to the CEO / Date of Resolution	Sub-Delegation to Officers	Date of Sub-Delegation	Limitations and Conditions
Administerin g Authority	521(2)(a) (ii)	In specified circumstances, the power to allow a longer period within which an application for a review of an original decision must be made.				
Administerin g Authority	521(5)	In specified circumstances, the power to, within the decision period for a review of an original decision: (a) review the original decision; and (b) consider any submissions properly made by a recipient of a review notice; and (c) make a decision (the review decision) to: (i) confirm or revoke the original decision; or (ii) vary the original decision in a way considered appropriate.				
Administerin g Authority	521(8)	Within 10 business days after making a review decision, the power to give written notice of the review decision to the applicant and persons who were given notice of the original decision.				

Division 3 – Appeals

Subdivision 2 – Appeals to court

Entity power given to	Section of ENPA	Description	Delegation to the CEO / Date of Resolution	Sub-Delegation to Officers	Date of Sub-Delegation	Limitations and Conditions
Dissatisfied person	531(1)	In certain circumstances, power to may appeal against the decision to the Court.	We recommend that this power be delegated on a case by case basis.		We recommend that this power be sub-delegated on a case by case basis.	

Part 4 – General

Entity power given to	Section of ENPA	Description	Delegation to the CEO / Date of Resolution	Sub-Delegation to Officers	Date of Sub-Delegation	Limitations and Conditions
Administering Executive	544(1)	Power to approve forms.	Delegation not required			

CHAPTER 12 – MISCELLANEOUS

Part 3A – Auditors

Division 1 – Preliminary

Entity power given to	Section of ENPA	Description	Delegation to the CEO / Date of Resolution	Sub-Delegation to Officers	Date of Sub-Delegation	Limitations and Conditions
Auditor	568	Power to, subject to the terms of an approval under division 2: (a) conduct environmental audits and prepare environmental				

		<p>reports about audits under chapter 7, part 2, division 2; and</p> <p>(b) evaluate site investigation reports, validation reports, draft site management plans and draft amendments of site management plans prepared under chapter 7, part 8 against criteria prescribed under a regulation (the prescribed criteria) and:</p> <p>(i) if the report or plan does not comply with the prescribed criteria—prepare a report about the evaluation; or</p> <p>(ii) if the report or plan complies with the prescribed criteria—provide written certification that it complies with the criteria; and</p> <p>(c) audit or evaluate another matter or thing prescribed under a regulation and prepare a report or written certification about the audit or evaluation.</p>				
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CHAPTER 13 – SAVINGS, TRANSITIONAL AND RELATED PROVISIONS

Part 5 – Transitional provisions for Environmental Protection Legislation Amendment Act 2003

Entity power given to	Section of ENPA	Description	Delegation to the CEO / Date of Resolution	Sub-Delegation to Officers	Date of Sub-Delegation	Limitations and Conditions
Administering Authority	620(2)	In the specified circumstances, the power to change or cancel a condition of an environmental authority.				
Administering Authority	620(5)(b)	In the specified circumstances, if a condition has changed or cancelled, the power to, within the specified time period, give the registered operator: (i) a copy of the development conditions as applying after the change or cancellation; and (ii) a registration certificate.				
Administering Authority	621(1)	Power to, for an activity being carried out under an environmental authority mentioned in section 619(1) of the Environmental Protection Act 1994, give to the person carrying out the activity: (a) if the activity was carried out at 1 location - a development approval for the location; or (b) if the activity was carried at more than 1 location and is not a mobile and temporary environmentally relevant activity -				

		<p>a development approval for each location; or</p> <p>(c) if the activity is a mobile and temporary environmentally relevant activity - a development approval for a mobile and temporary environmentally relevant activity.</p>				
Administerin g Authority	621(2)	If the person carrying out the activity does not have a registration certificate for the activity, the power to also give the person a registration certificate for the activity.				
Administerin g Authority	621(4)	If you act under section 621(1) or (2) of the Environmental Protection Act 1994, the power to give the person carrying out the activity an information notice about your decision to give the approval or approval and certificate.				
Administerin g Authority	623(2)	In specified circumstances, the power to give a registered operator a notice stating that you are satisfied that the risk of environmental harm from carrying out the activity is no longer insignificant.				
Administerin g Authority	626(3)(a)	In specified circumstances, the power to, by written notice, ask an applicant to give a stated document or information relevant to an application.				

Part 6 – Transitional provisions for Petroleum and Other Legislation Amendment Act 2004

Entity power given to	Section of ENPA	Description	Delegation to the CEO / Date of Resolution	Sub-Delegation to Officers	Date of Sub-Delegation	Limitations and Conditions
Administering Authority	634(1)	In specified circumstances, the power to amend a condition about financial assurance imposed under Part 7, Chapter 13 of the Environmental Protection Act 1994 to require the giving of replacement financial assurance, in a form and amount decided by you.				

Part 17 – Transitional provisions for the Environmental Protection and Other Legislation Amendment Act 2011

Entity power given to	Section of ENPA	Description	Delegation to the CEO / Date of Resolution	Sub-Delegation to Officers	Date of Sub-Delegation	Limitations and Conditions
Administering Authority	671(2)	Power to consider, or continue to consider, the draft transitional environment program and decide whether to approve an existing draft transitional environment program under the unamended Act.				

Part 18 – Transitional provisions for Environmental Protection (Greentape Reduction) and Other Legislation Amendment Act 2012

Division 5 –Transitional authorities for environmentally relevant activities

Entity power given to	Section of ENPA	Description	Delegation to the CEO / Date of Resolution	Sub-Delegation to Officers	Date of Sub-Delegation	Limitations and Conditions
Administering Authority	697(1)	Power to decide whether to approve the application or refuse the application.				
Administering Authority	698(1)	In certain circumstances, power to: (a) amend the environmental authority to give effect to the conversion; and (b) issue the amended environmental authority to the applicant.				
Administering Authority	698(2)	In certain circumstances, power to give the applicant an information notice about the decision.				

Division 5A – Suspended activities

Entity power given to	Section of ENPA	Description	Delegation to the CEO / Date of Resolution	Sub-Delegation to Officers	Date of Sub-Delegation	Limitations and Conditions
Administering Authority	698B	Power to approve an application to convert the surrendered registration certificate to an environmental authority that has been suspended under chapter 5, part 11A (a conversion application).				

Division 6 – Financial assurance

Entity power given to	Section of ENPA	Description	Delegation to the CEO / Date of Resolution	Sub-Delegation to Officers	Date of Sub-Delegation	Limitations and Conditions
Administerin g Authority	699(4)	Power to amend the environmental authority to impose a condition about financial assurance.				
Administerin g Authority	699(5)	Power to give written notice of the amendment.				

Division 8 – Provisions about environmental management plans

Entity power given to	Section of ENPA	Description	Delegation to the CEO / Date of Resolution	Sub-Delegation to Officers	Date of Sub-Delegation	Limitations and Conditions
Administerin g Authority	701(2)	Power to amend the new authority to impose conditions consistent with the environmental management plan.				

[2019 12 09 - ENPA - Delegation Table]

INSTRUMENT OF SUB-DELEGATION

Torres Strait Island Regional Council
Environmental Protection Act 1994 ("ENPA")

Under section 259 of the *Local Government Act 2009*, I, **Bruce Ranga**, Chief Executive Officer of **Torres Strait Island Regional Council**, delegate to those positions which are specified in Schedule 1, the exercise of the powers contained in Schedule 2.

These powers must be exercised subject to the limitations contained in Schedule 3.

This Instrument of Sub-Delegation repeals all prior Instruments sub-delegating to the positions specified in Schedule 1 the exercise of the powers contained in Schedule 2.

My authority to make these sub-delegations is conferred by the *Local Government Act 2009* and the resolution of **Torres Strait Island Regional Council** made on **Insert date** to delegate those powers to the Chief Executive Officer.

DATED this _____ day of _____ 2020.

Bruce Ranga
Chief Executive Officer
Torres Strait Island Regional Council

Position: Insert Position
Position Code: Insert Position Code

POWERS SUB-DELEGATED

Environmental Protection Act 1994 ("ENPA")

CHAPTER 5 – ENVIRONMENTAL AUTHORITIES FOR ENVIRONMENTALLY RELEVANT ACTIVITIES

Part 2 – Application Stage

Division 4 – Notices about not properly made applications

Entity power given to	Section of ENPA	Description
Administering Authority	128(2)	In certain circumstances, the power to give the applicant a notice.
Administering Authority	129(2)	In certain circumstances, the power to agree to a further period with the applicant.

Division 5 – Joint applicants

Entity power given to	Section of ENPA	Description
Administering Authority	130(3)	In certain circumstances, the power to: <ul style="list-style-type: none"> (a) give a notice or other document relating to the application to all the applicants, by giving it to the principal applicant nominated in the application; or (b) make a requirement under this chapter relating to the application of all the applicants, by making it of the principal applicant nominated in the application.

Division 6 – Changing applications

Subdivision 1 – Preliminary

Entity power given to	Section of ENPA	Description
Administering Authority	131(d)	In certain circumstances, power to be satisfied that a change would not adversely affect the ability of the authority to assess the changed application.

Subdivision 3 – Changed applications – effect on assessment process

Entity power given to	Section of ENPA	Description
Administering Authority	133(1)(b)	Power to agree in writing to the change.
Administering Authority	134(4)	In certain circumstances, the power to be satisfied that the change would not be likely to attract a submission objecting to the thing the subject of the change, if the notification stage were to apply to the change.

Part 3 –**Information stage****Division 2 – Information requests**

Entity power given to	Section of ENPA	Description
Administering Authority	140(1)	Power to ask the applicant, by written request (an information request), to give further information needed to assess the application.
Administering Authority	143(2)	In certain circumstances, the power to include in an information request a requirement that the applicant provide an EIS for the application.
Administering Authority	145(1)	Power to, by written notice given to the applicant and without the applicant's agreement, extend the information request period by not more than 10 business days.
Administering Authority	145(3)	Power to request a further extension of the information request period.
Administering Authority	147(3)	Power to, within 5 business days after receiving the request: (a) decide whether to agree to the extension; and (b) give an information notice of the decision.

Part 4 –**Notification stage****Division 1 – Preliminary**

Entity power given to	Section of ENPA	Description
Administering Authority	150(1)(d)	In certain circumstances, the power to be satisfied that the change would not be likely to attract a submission objecting to the thing the subject of the change, if the notification stage were to apply to the change.

Division 2 – Public notice

Entity power given to	Section of ENPA	Description
Administering Authority	152(3)	Power to: (a) give the applicant an information notice about the decision before the application notice is given; and (b) decide an additional or substituted way to give or publish the application notice.
Administering Authority	159(2)	In certain circumstances, power to decide whether to allow the application to proceed under this part as if the noncompliance had not happened.
Administering Authority	159(3)	In certain circumstances, power to be satisfied that there has been substantial compliance with the public notice requirements.
Administering Authority	159(4)	In certain circumstances, power to within 10 business days after the decision is made, give the applicant written notice of the decision.
Administering Authority	159(5)(b)(i)	In certain circumstances, power to: (a) fix a substituted way to give or publish the application notice; and (b) give the applicant written notice of the substituted way.

Administering Authority	159(5)(b)(ii)	In certain circumstances, power to: (a) fix a new submission period for the application; and (b) give the applicant written notice of the period.
Administering Authority	159(5)(b)(iii)	In certain circumstances, power to give the applicant an information notice about the decision.

Division 3 – Submissions about applications

Entity power given to	Section of ENPA	Description
An Entity	160	Power to, within the submission period, make a submission to the administering authority about the application.
Administering Authority	161(3)	Power to accept a written submission even if it is not a properly made submission.
An Entity	162(1)	In certain circumstances, power to, by written notice, amend or replace a submission.

Part 5 –

Decision stage

Division 2 – Deciding an application

Subdivision 1 – Decision period

Entity power given to	Section of ENPA	Description
Administering Authority	168(2)	In certain circumstances, the power to, by written notice given to the applicant and without the applicant's agreement, extend the period mentioned in subsection 168(1) by not more than 20 business days.
Administering Authority	168(4)	Power to request a further extension of the decision period.

Subdivision 2 – Decision

Entity power given to	Section of ENPA	Description
Administering Authority	170(2)(a)	In certain circumstances, the power to decide that the application be approved subject to the standard conditions for the relevant activity or authority.
Administering Authority	170(2)(b)	In certain circumstances, the power to decide that the applicant be issued an environmental authority on conditions that are different to the standard conditions for the activity or authority.
Administering Authority	171(2)(a)	In certain circumstances, the power to decide that the application be approved subject to conditions that are different to the standard conditions for the activity or authority.
Administering Authority	171(2)(b)	In certain circumstances, the power to decide that the applicant be issued an environmental authority subject to the standard conditions for the activity or authority.
Administering Authority	172(2)	In certain circumstances, the power to decide that the application: (a) be approved subject to conditions; or (b) be refused.
Administering Authority	173(1)	Power to refuse an application if the applicant is not a registered suitable operator.

Administering Authority	173(3)	In certain circumstances, power to refuse an application for an environmental authority.
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Division 4 – Steps after deciding application

Entity power given to	Section of ENPA	Description
Administering Authority	195	In certain circumstances, power to issue an environmental authority to the applicant.
Administering Authority	198(2)	In certain circumstances, power to give the application an information notice about the decision.
Administering Authority	198(4)	In certain circumstances, power to give any submitter for the application an information notice about the decision.

Division 6 – Conditions

Entity power given to	Section of ENPA	Description
Administering Authority	203(1)	Power to impose a condition on an environmental authority or draft environmental authority if: (a) it considers the condition is necessary or desirable; and (b) if the authority is for an application to which section 115 applies - the condition relates to the carrying out of the relevant prescribed ERA.
Administering Authority	203(2)	In certain circumstances, power to impose a condition on an environmental authority or draft environmental authority.
Administering Authority	204(2)	In certain circumstances, power to impose on the authority a condition requiring the holder of the authority to take all reasonable steps to ensure the relevant activity complies with the eligibility criteria for the activity.
Administering Authority	209(4)	Power to enter into an agreement to establish obligations, or secure the performance, of a party to the agreement about a condition.

Part 6 – Amending environmental authorities by administering authority

Division 1 – Amendments

Entity power given to	Section of ENPA	Description
Administering Authority	211	In certain circumstances, power to amend an environmental authority to correct a clerical or formal error.
Administering Authority	212(2)	Power to amend the environmental authority to ensure compliance with conditions included in a determination made by the NNTT under the Commonwealth Native Title Act, section 38(1)(c).
Administering Authority	212(3)	Power to give written notice of the amendment to the environmental authority holder.
Administering authority	212A(2)	Power to amend the environmental authority to ensure it is consistent with the regional interests development approval.
Administering authority	212A(3)	Power to given written notice the amendment to the environmental authority holder.

Administering Authority	213(2)	In certain circumstances, power to amend the existing authority to replace the existing standard conditions with the new standard conditions.
Administering Authority	213(3)	In certain circumstances, power to give written notice of the amendment to the environmental authority holder.
Administering Authority	214(2)	In certain circumstances, power to amend the environmental authority.
Administering Authority	214(3)	In certain circumstances, power to give: (a) an information notice about the amendment to the holder of the environmental authority; and (b) written notice of the amendment to the assessment manager for the development application.
Administering Authority	215(1)	In certain circumstances, power to amend an environmental authority.
Administering Authority	215(1)(a)	Power to consider the amendment is necessary or desirable because of a matter mentioned in subsection (2) and the procedure under division 2 is followed.

Division 2 – Procedure for particular amendments

Entity power given to	Section of ENPA	Description
Administering Authority	216	Power to propose to amend an environmental authority
Administering Authority	217	Power to give the environmental authority holder a written notice (the proposed amendment notice).
Administering Authority	218	Power to consider any written representation made within the period stated in the proposed amendment notice by the holder of the environmental authority.
Administering Authority	219(1)	In certain circumstances, power to believe a ground exists to make the proposed amendment, and to make the amendment.
Administering Authority	219(3)	Power to give the holder written notice of the decision.
Administering Authority	220	Power to give the environmental authority holder an information notice about the decision.

Division 3 – Steps for amendments

Entity power given to	Section of ENPA	Description
Administering Authority	221(2)(b)	In certain circumstances, power to issue the amended environmental authority to the holder.

Part 7 –

Amendment of environmental authorities by application

Division 2A – Provision for particular amendment applications

Entity power given to	Section of ENPA	Description
Administering Authority	227A(2)	Power to refuse application within 10 business days after receiving the amendment application.

Administering Authority	227A(3)	Power to require the holder of the environmental authority to make a site-specific application for a new environmental authority.
Administering Authority	227A(5)	Power to give written notice of any refusal.

Division 3 – Assessment level decisions

Entity power given to	Section of ENPA	Description
Administering Authority	228(1)	Power to decide whether the proposed amendment is a major or minor amendment.
Administering Authority	229	Power to give the applicant a written notice.
Administering Authority	230(2)	In certain circumstances, power to be satisfied that: <ul style="list-style-type: none"> (a) there is likely to be a substantial increase in the risk of environmental harm under the amended environmental authority; and (b) the risk is the result of a substantial change in: <ul style="list-style-type: none"> (i) the quantity or quality of contaminant permitted to be released into the environment; or (ii) the results of the release of a quantity or quality of contaminant permitted to be released into the environment.

Division 4 – Process if proposed amendment is a major amendment

Entity power given to	Section of ENPA	Description
Administering Authority	233(3)	In certain circumstances, power to: <ul style="list-style-type: none"> (a) decide another way of publishing the notice for subsection (2)(b)(ii); and (b) give the applicant an information notice about the decision before the notice is published.
Administering Authority	237(1)(b)	Power to agree in writing to the change.
Administering Authority	238(3)(a)	In certain circumstances, power to within 10 business days after notice of the change is received, ask the applicant to give further information needed to assess the application
Administering Authority	238(7)	In certain circumstances, power to be satisfied the change would not be likely to attract a submission objecting to the thing the subject of the change, if the notification stage were to apply to the change.

Division 5 – Process if proposed amendment is minor amendment

Entity power given to	Section of ENPA	Description
Administering Authority	240(1)	Power to decide either to approve or refuse the application: <ul style="list-style-type: none"> (a) for a condition conversion – within 10 business days after the application is received (for a condition conversion); or (b) otherwise, within 10 business days after notice of the assessment level decision is given to the applicant.

Administering Authority	240(2)	Power to be satisfied the proposed amendment is necessary or desirable.
Administering Authority	240(3)	In certain circumstances, power to make any other amendments to the conditions of the environmental authority it considers: (a) relate to the subject matter of the proposed amendment; and (b) are necessary or desirable.

Division 6 – Steps after deciding amendment application

Entity power given to	Section of ENPA	Description
Administering Authority	242(1)(b)	In certain circumstances, power to issue the amended environmental authority to the applicant.
Administering Authority	242(3)	Power to within 5 business days after the decision is made, give the applicant an information notice about the decision.

Part 8 – Amalgamating environmental authorities

Division 2 – Deciding amalgamation application

Entity power given to	Section of ENPA	Description
Administering Authority	247(1)	Power to, within 20 business days after the day the amalgamation application is received, decide to: (a) approve the application; or (b) if the application is for an amalgamated local government authority or amalgamated project authority—refuse the application.
Administering Authority	247(2)(c)	Power to be satisfied there is an appropriate degree of integration between the activities.
Administering Authority	247(3)	Power to be satisfied the relevant activities for the existing environmental authorities are being carried out as a single integrated operation.

Division 3 – Miscellaneous provisions

Entity power given to	Section of ENPA	Description
Administering Authority	248(b)	In certain circumstances, power to issue to the applicant: (a) if the application is for an amalgamated corporate authority – an amalgamated corporate authority; or (b) if the application is for an amalgamated local government authority – an amalgamated local government authority; or (c) if the application is for an amalgamated project authority – an amalgamated project authority.
Administering Authority	249	Power to, within 10 business days after refusing an amalgamation application, give the applicant an information notice about the decision.

Division 4 – De-amalgamating environmental authorities

Entity power given to	Section of ENPA	Description
Administering Authority	250C(a)	Power to de-amalgamate the relevant authority within 15 business days after receiving a de-amalgamation application that complies with section 250B.

Part 9 – Transferring environmental authorities for prescribed ERAs

Entity power given to	Section of ENPA	Description
Administering Authority	254(1)	Power to consider each transfer application and decide to: (a) approve the transfer; or (b) refuse the transfer.
Administering Authority	255(1)(b)	In certain circumstances, power to issue the amended environmental authority (the <i>transferred environmental authority</i>) to each holder.
Administering Authority	255(2)	In certain circumstances, power to, within 10 business days after the decision is made, give the existing holder and the proposed holder written notice of the decision.

Part 10 – Surrender of environmental authorities

Division 1 – Preliminary

Entity power given to	Section of ENPA	Description
Administering Authority	258(2)	In certain circumstances, power to by written notice (a <i>surrender notice</i>), require the holder of the environmental authority to make a surrender application.
Administering Authority	261(2)	In certain circumstances, power to approve a surrender application for part of the environmental authority.

Division 3 – Final rehabilitation reports

Entity power given to	Section of ENPA	Description
Administering Authority	264(2)(a)	Power to agree to a methodology.

Division 4 – Requests for information

Entity power given to	Section of ENPA	Description
Administering Authority	265	Power to ask the applicant, by written request, to give further information needed to assess the surrender application.

Division 5 – Deciding surrender applications

Entity power given to	Section of ENPA	Description
Administering Authority	266(1)	Power to decide to: (a) approve the surrender application; or (b) refuse the surrender application.

Administering Authority	269(a)	Power to be satisfied the conditions of the environmental authority have been complied with.
Administering Authority	269(b)(i)	Power to be satisfied the land on which each relevant activity for the environmental authority has been carried out has been satisfactorily rehabilitated.
Administering Authority	269(b)(ii)	Power to be satisfied the land will be satisfactorily rehabilitated under a transitional environmental program.
Administering Authority	269(c)	Power to be satisfied of another circumstance prescribed by regulation.

Division 8 – Miscellaneous provisions

Entity power given to	Section of ENPA	Description
Administering Authority	275(a)(ii)	In certain circumstances, power to give the applicant written notice of the decision.
Administering Authority	275(b)	In certain circumstances, power to give the applicant an information notice about the decision.

Part 11 – Cancellation or suspension of environmental authorities

Division 1 – Preliminary

Entity power given to	Section of ENPA	Description
Administering Authority	278(1)	In certain circumstances, power to cancel or suspend an environmental authority.

Division 2 – Procedure for cancellation or suspension by administering authority

Entity power given to	Section of ENPA	Description
Administering Authority	280(1)	Power to give the environmental authority holder a written notice.
Administering Authority	281	Power to consider any written representation made within the stated period by the environmental authority holder.
Administering Authority	282(1)	In certain circumstances, power to believe a ground exists to take the proposed action.
Administering Authority	282(1)(a)	In certain circumstances, power to suspend the environmental authority for no longer than the proposed suspension period.
Administering Authority	282(1)(b)	In certain circumstances, power to either cancel the environmental authority or suspend it for a fixed period.
Administering Authority	282(3)	Power to decide not to take the proposed action and, if so, give the environmental authority holder written notice of the decision.
Administering Authority	283(1)	Power to give the environmental authority holder an information notice about the decision.
Administering Authority	283(2)	In certain circumstances, power to give written notice of the decision to the chief executive administering the resource legislation.

Part 11A - General provisions**Division 3 – Deciding suspension applications**

Entity power given to	Section of ENPA	Description
Administering Authority	284C	Power to decide whether to approve the application or refuse the application.
Administering Authority	284F(1)(a)(ii)	In certain circumstances, power to give the holder of the environmental authority written notice of the decision.
Administering Authority	284F(1)(b)	In certain circumstances, power to give the holder an information notice about the decision.

Part 12 – General provisions**Division 1 – Plan of operations for environmental authority relating to mining lease or petroleum lease**

Entity power given to	Section of ENPA	Description
Administering Authority	287	Power to agree with the holder in writing to a shorter period.

Division 2 – Financial assurance***Subdivision 1 – Requiring financial assurance***

Entity power given to	Section of ENPA	Description
Administering Authority	292(1)	Power to, by condition of an environmental authority, require the holder of the environmental authority to give the administering authority financial assurance.
Administering Authority	292(2)	Power to be satisfied the condition is justified.
Administering Authority	292(3)	Power to require a financial assurance to remain in force until satisfied no claim is likely to be made on the assurance.

Subdivision 2 – Amount and form of financial assurance

Entity power given to	Section of ENPA	Description
Administering Authority	295(1)	Power to decide the amount and form of financial assurance required under a condition of an environmental authority.
Administering Authority	295(2)(c)	Power to agree with the holder of the environmental authority to a further period.
Administering Authority	295(4)	Power to form an opinion as to the amount that represents the total of likely costs and expenses that may be incurred taking action to rehabilitate or restore and protect the environment because of environmental harm that may be caused by the activity.
Administering Authority	296	Power to, within 5 business days after making a decision under section 295(1), give an information notice about the decision to the holder of the environmental authority.

Subdivision 3 – Claiming or realising financial assurance

Entity power given to	Section of ENPA	Description
Administering Authority	299(2)	Power to must give written notice to the entity who gave the financial assurance.
Administering Authority	300	Power to consider any written representations made within the stated period by the entity who gave the financial assurance.
Administering Authority	301(1)	Power to decide whether to make a claim on or realise the financial assurance.
Administering Authority	301(2)	In certain circumstances, power to give the entity an information notice about the decision.

Subdivision 4 – Amending or discharging financial assurance

Entity power given to	Section of ENPA	Description
Administering Authority	304(1)	Power to, by written notice, require the applicant to give it a compliance statement for the financial assurance before deciding the application.
Administering Authority	305(1)(a)	Power to approve or refuse the application.
Administering Authority	305(1)(b)	In certain circumstances, power to give the applicant an information notice about the decision.
Administering Authority	305(3)	Power to be satisfied no claim is likely to be made on the assurance.
Administering Authority	305(5)	Power to withhold making a decision under subsection (1).
Administering Authority	306(1)	In certain circumstances, power to, at any time, require the holder of an environmental authority or small scale mining tenure for which financial assurance has been given to change the amount of the financial assurance.
Administering Authority	306(3)	Power to give written notice to the holder of the environmental authority or small scale mining tenure.
Administering Authority	306(6)	In certain circumstances, power to consider any written submissions made by the holder within the stated period.

Division 3 – Annual fees and returns

Subdivision 1 – Annual notices

Entity power given to	Section of ENPA	Description
Administering Authority	308(2)	In certain circumstances, power to give the environmental authority holder a written notice complying with subsection (3) (an <i>annual notice</i>).
Administering Authority	310(1)	In certain circumstances, power to change the anniversary day, for an environmental authority for which an annual fee is prescribed under a regulation, to another day (the <i>new day</i>).
Administering Authority	311	Power to decide whether or not to change the anniversary day to the new day.
Administering Authority	312	Power to give the holder:

		<p>(a) if the decision is to change the day – written notice of the decision; or</p> <p>(b) if the decision is not to change the day – an information notice about the decision.</p>
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Division 4 – Non-compliance with eligibility criteria

Entity power given to	Section of ENPA	Description
Administering Authority	314(2)	<p>In certain circumstances, power to require the holder of the environmental authority to:</p> <p>(a) make a site-specific application for a new environmental authority under part 2; or</p> <p>(b) make an amendment application for the authority under part 7.</p>
Administering Authority	314(3)	Power to give written notice of the proposed requirement to the holder of the environmental authority.
Administering Authority	314(5)	Power consider any representations made by the holder within the stated period.

Division 5 – Miscellaneous provisions

Entity power given to	Section of ENPA	Description
Administering Authority	315(1)	Power to ask any entity for advice, comment or information about an application made under this chapter at any time.

CHAPTER 7 – ENVIRONMENTAL MANAGEMENT

Part 1 – Environmental duties

Division 2 – Duty to notify of environmental harm

Subdivision 3B – Duty of local government

Entity power given to	Section of ENPA	Description
Local Government	320DB(1)	Power to give the administering authority written notice of the activity.
Local Government	320DB(2)	<p>Power to give the administering authority written notice of:</p> <p>(a) the nature of the event or change in the condition and the circumstances in which the event or change happened or is happening; or</p> <p>(b) within 24 hours after becoming aware of the event or change in condition of the land.</p>

Part 2 – Environmental evaluations

Division 2 – Environmental audits

Subdivision 1 – Audit requirements

Entity power given to	Section of ENPA	Description
Administering Authority	322(1)	In certain circumstances, power to, by written notice, require the holder of an environmental authority to:

		<p>(a) conduct or commission an audit (an environmental audit) about a stated matter concerning a relevant activity; and</p> <p>(b) give the administering authority an environmental report on the audit.</p>
Administering Authority	322(2)	Power to be reasonably satisfied the audit is necessary or desirable.
Administering Authority	323(1)	<p>Power to be satisfied that:</p> <p>(a) a person is, or has been, contravening</p> <ul style="list-style-type: none"> (i) a regulation; or (ii) an environmental protection policy; or (iii) an agricultural ERA standard; or (iv) a transitional environmental program; or (v) an enforceable undertaking; or <p>(b) a person is, or has been, contravening any of the following provisions:</p> <ul style="list-style-type: none"> (i) section 363E; (ii) section 440Q; (iii) section 440ZG; (iv) a provision of chapter 8, part 3D, 3E or 3F.
Administering Authority	323(2)	<p>Power to, by written notice (also an audit notice), require the person to:</p> <p>(a) Conduct or commission an audit (also an environmental audit) about the matter; and</p> <p>(b) give the administering authority an environmental report about the audit.</p>

Division 3 – Environmental investigations

Entity power given to	Section of ENPA	Description
Administering Authority	326B(1)	<p>Power to be satisfied on reasonable grounds that:</p> <p>(a) an event has happened causing environmental harm while an activity was being carried out; or</p> <p>(b) an activity or proposed activity is causing, or is likely to cause environmental harm.</p>
Administering Authority	326B(2)	<p>Power to, by written notice (an investigation notice), require the person who has carried out, is carrying out or is proposing to carry out the activity to:</p> <p>(a) conduct or commission an investigation (an environmental investigation) about the event or activity; and</p> <p>(b) submit an environmental report about the investigation to the authority.</p>
Administering Authority	326BA(1)	Power to be satisfied that circumstances contained in subsection (a) – (c) apply to the land.
Administering Authority	326BA(2)	<p>Power to give written notice (an investigation notice) requiring a prescribed responsible person for the land to:</p> <p>(a) conduct or commission an investigation; and</p> <p>(b) give the administering authority an investigation report.</p>

Division 5 – Steps after receiving environmental reports

Entity power given to	Section of ENPA	Description
Administering Authority	326F(2)	Power to, by written notice, ask the recipient to give further information needed to decide whether to approve the environmental report.
Administering Authority	326G(4)	Power to decide to accept the report or to refuse to accept the report.
Administering Authority	326G(5)	Power to be satisfied that the report does not adequately address the relevant matters for the environmental investigation to which the report relates.
Administering Authority	326G(7)	In certain circumstances, power to extend the period mentioned in subsection (6) for making the decision.
Administering Authority	326G(7)(a)	Power to be satisfied that there are special circumstances for extending the time.
Administering Authority	326G(8)	Power to give the recipient written notice of the decision within 5 business days after making the decision.
Administering Authority	326H	Power to do one or more of the following: (a) require the recipient to prepare and submit a transitional environmental program to it; (b) if the recipient is the holder of an environmental authority – amend the conditions of the authority; (c) serve an environmental protection order on the recipient; or (d) take any other action it considers appropriate.
Administering Authority	326I(2)	Power to require the recipient to conduct or commission another environmental investigation and submit a report on the investigation to it.
Administering Authority	326I(3)	Power to give written notice to the recipient.

Part 3 –

Transitional environmental programs

Division 2 – Submission and approval of transitional environmental programs

Entity power given to	Section of ENPA	Description
Administering Authority	332(1)	Power to require a person or public authority to prepare and submit for approval a draft transitional environmental program as a condition of an environmental authority.
Administering Authority	332(2)	In the specified circumstances, the power to require a person or public authority to prepare and submit for approval a draft transitional environmental program.
Administering Authority	334A(1)	Power to, by written notice, ask the person or public authority that submitted the draft transitional environmental program to give further information needed to decide whether to approve the draft program.
Administering Authority	336(1)	Power to invite a person or public authority that has submitted a draft transitional environmental program and another person who has made a submission under section 335 of the Environmental Protection Act 1994 about the transitional

		environmental program, to a conference to help in deciding whether or not to approve the program.
Administering Authority	336(2)	Power to give written notice to all persons invited to attend a conference of when and where the conference is to be held.
Administering Authority	336(3)	If it's considered impracticable to give notice to all persons invited to attend a conference, the power to give notice of the conference by publishing a notice in the newspapers you decide.
Administering Authority	336(4)	In specified circumstances, the power to appoint an independent person to mediate a conference.
Administering Authority	336A(1)	Power to ask any person for advice, comment or information about a submission for approval of a transitional environmental program at any time.
Administering Authority	337(1)	In specified circumstances, the power to decide whether to approve a draft transitional environmental program within the specified time period.
Administering Authority	337(2)	In certain circumstances, power to extend the period mentioned in subsection (1) for making the decision.
Administering Authority	337(2)	Power to give an information notice about the decision to extend to the person or public authority that submitted the program and any submitters.
Administering Authority	338(1)	In deciding whether to approve or refuse to approve a draft program or the conditions (if any) of the approval, the power to: <ul style="list-style-type: none"> (a) comply with any relevant regulatory requirement; and (b) subject to paragraph (a), consider the specified criteria.
Administering Authority	339(1)	Power to: <ul style="list-style-type: none"> (a) approve a draft transitional environment program: <ul style="list-style-type: none"> (i) as submitted; or (ii) as amended at the request, or with the agreement, of the administering authority; or (b) refuse to approve a draft transitional environmental program.
Administering Authority	339(2)	Power to impose on an approval of a draft transitional environmental program: <ul style="list-style-type: none"> (a) any conditions the authority must impose under a regulatory requirement; (b) a condition requiring the holder of the approval to give an amount of financial assurance as security for compliance with the transitional environmental program and any conditions of the program; and (c) any other conditions the administering authority considers appropriate.
Administering Authority	340(1)	Power to, within 8 business days after making a decision under section 339, give the person or public authority that submitted the program a written notice about the decision.
Administering Authority	340(2)(b)	If the program is approved, power to state any conditions imposed on the approval by the administering authority.
Administering Authority	340(2)(c)	If the program is approved, power to state the day the approval ends.
Administering Authority	340(3)	If the program is refused, or approved with conditions, power to give an information notice.

Administering Authority	342(2)	In specified circumstances, the power to consider and decide whether to approve a draft transitional environmental program if satisfied there has been substantial compliance with the Environmental Protection Act 1994.
Administering Authority	343A(2)(B)	In certain circumstances, power to give the holder of the environmental authority a copy of the environmental authority including the note.

Division 3A – Financial assurances

Entity power given to	Section of ENPA	Description
Administering Authority	344(3)	In specified circumstances, the power to approve an amendment of an approval for a transitional environmental program for an environmentally relevant activity.
Administering Authority	344(4)	Without limiting the matters to be considered in deciding an application, the power to have regard to the specified criteria.
Administering Authority	344A(2)	Power to may recover the reasonable costs or expenses of taking the action by making a claim on or realising the financial assurance or part of it.
Administering Authority	344A(3)	Power to give written notice to the person who gave the financial assurance.
Administering Authority	344B	Power to consider any written representations made within the stated period by the person who gave the financial assurance.
Administering Authority	344C(1)	Power to, within 10 business days after the end of the stated period, decide whether to make a claim on or realise the financial assurance.
Administering Authority	344C(2)	Power to, within 5 business days after making the decision, give the person an information notice about the decision.

Division 3B – Cancellation of approval for transitional environmental programs

Entity power given to	Section of ENPA	Description
Administering Authority	344E(1)	Power to cancel the approval for a transitional environmental program for the reasons provided in that subsection.
Administering Authority	344E(1)(b)	Power to be satisfied the approval holder has: (i) disposed of the place or business to which the program relates; or (ii) ceased the activity to which the program relates.
Administering Authority	344E(2)(a)	Power to give a notice stating the details of the cancellation to the approval holder.
Administering Authority	344F(2)(a)	Power to withdraw the notice by another written notice.
Administering Authority	344G(2)	Power to give the holder of the environmental authority a copy of the authority that does not include the note.

Part 4 – Special provisions about voluntary submission of transitional environmental programs

Entity power given to	Section of ENPA	Description
Administering Authority	352(1)	In specified circumstances, the power to give written notice to a person of: (a) receiving a program notice; and (b) the day by which a draft transitional environmental program dealing with the activity must be submitted for approval.
Administering Authority	355(1)	In certain circumstances, power to apply to the Court for an order that section 353(1) does not apply to the person for any continuation of the original offence.

Part 4A – Temporary emissions licences

Entity power given to	Section of ENPA	Description
Administering Authority	357E(1)	Power to: (a) grant the application for a temporary emissions licence: (i) as submitted; (ii) on different terms than have been requested in the application; or (b) refuse to grant the application for a temporary emissions licence.
Administering Authority	357E(2)	Power to impose conditions on the temporary emissions licence it considers are necessary or desirable.
Administering Authority	357F	Power to give the applicant an information notice about the decision if the decision is to: (a) grant the application on different terms than have been requested in the application: or (b) refuse the application.
Administering Authority	357J	In certain circumstances, power to amend, cancel or suspend a temporary emissions licence.

Part 5 – Environmental protection orders

Entity power given to	Section of ENPA	Description
Administering Authority	358	In specified circumstances, the power to issue an order (an environmental protection order) to a person.
Administering Authority	359	Before deciding to issue an environmental protection order, the power to consider the standard criteria.

CHAPTER 9 – INVESTIGATION AND ENFORCEMENT

Part 1 – Administration generally

Entity power given to	Section of ENPA	Description
As delegate of the Chief Executive of the Environmental Protection Agency: 516(1)(b) and 517	445(1)(c) ⁵	In the specified circumstances, the power to appoint an authorised person.
Chief Executive Officer	445(2)	Power to appoint an employee of a local government to be an authorised person
As delegate of the Chief Executive of the Environmental Protection Agency: 516(1)(b) & 517.	448 ⁶	In the specified circumstances, the power to issue an identity card to each authorised person appointed.
Administering Authority	451(1)	In the specified circumstances, the power to give a notice under section 451 of the Environmental Protection Act 1994 to a person requiring the person to give information relevant to the administration and enforcement of the Environmental Protection Act 1994.

Part 2 – Powers of authorised persons for places and vehicles

Entity power given to	Section of ENPA	Description
Administering Authority	454(1)	Power to believe on reasonable grounds land is contaminated land
Administering Authority	454(3)(b)	Power to give written notice to the owner and occupier.
Administering Authority	458(2)	In specified circumstances, the power to give written notice of an application made under section 458(1) of the Environmental Protection Act 1994 to: (a) the owner of the land; and

⁵ The power is subject to the following limitations as per the instrument of delegation of the Chief Executive of the Environmental Protection Agency dated 7 February 2008 (copy attached).

1. The only powers under the *Environmental Protection Act 1994* the authorised person who is appointed by the Local Govt is to exercise are:
 - (a) Sections 440J, 452, 453, 455, 456, 457, 459, 460, 461, 462, 463A, 463, 464, 465 and 466 of the *Environmental Protection Act 1994*; and
 - (b) Only to be used in relation to those matters referred to in s.440D of the *Environmental Protection Act 1994*; and
2. That the certificates issued pursuant to s.490 of the *Environmental Protection Act 1994* are only used in respect of Court proceedings in relation to those matters referred to in s.440D of the *Environmental Protection Act 1994*.

⁶ The power is subject to the following limitations as per the instrument of delegation of the Chief Executive of the Environmental Protection Agency dated 7 February 2008 (copy attached).

1. The only powers under the *Environmental Protection Act 1994* the authorised person who is appointed by the Local Govt is to exercise are:
 - (a) Sections 440J, 452, 453, 455, 456, 457, 459, 460, 461, 462, 463A, 463, 464, 465 and 466 of the *Environmental Protection Act 1994*; and
 - (b) Only to be used in relation to those matters referred to in s.440D of the *Environmental Protection Act 1994*; and
2. That the certificates issued pursuant to s.490 of the *Environmental Protection Act 1994* are only used in respect of Court proceedings in relation to those matters referred to in s.440D of the *Environmental Protection Act 1994*.

		<p>(b) if the owner is not the occupier of the land - the occupier; and</p> <p>(c) if the application is for an order to carry out work mentioned in section 458(1)(a) of the Environmental Protection Act 1994:</p> <ul style="list-style-type: none"> (i) the environmental authority holder; or (ii) transitional environmental program approval holder; or (iii) the registered operator. <p>(d) if the application is for an order to take actions required under a clean-up notice – the recipient of the notice.</p>
Administering Executive	463(2)	In specified circumstances, the power to direct the destruction or disposal of a forfeited thing.
As delegate of the Chief Executive of the Environmental Protection Agency: 516(1)(b) and 517.	490	In specified circumstances, the power to issue a certificate.

CHAPTER 10 – LEGAL PROCEEDINGS

Part 3 – Legal proceedings

Entity power given to	Section of ENPA	Description
Administering Authority	502A(2)	Power to carry out work or take any other action reasonably necessary to fulfil the requirements of an order made against a person under section 502.

Part 5 – Enforceable undertakings

Entity power given to	Section of ENPA	Description
Administering Authority	507(1)	Power to accept an enforceable undertaking.
Administering Authority	507(3)	Power to give written notice of: <ul style="list-style-type: none"> (a) administering authority's decision to accept or reject the enforceable undertaking; and (b) the reasons for the decision.
Administering Authority	507(4)	Power to form a reasonable belief that the undertaking will: <ul style="list-style-type: none"> (a) secure compliance with the Act; and (b) enhance the protection of the environment.
Administering Authority	509(1)	Power to give written agreement to: <ul style="list-style-type: none"> (a) withdraw the undertaking; or (b) vary the undertaking.
Administering Authority	510	Power to amend an enforceable undertaking with the written agreement of the person who made the undertaking.
Administering Authority	511	Power to: <ul style="list-style-type: none"> (a) amend an enforceable undertaking to correct a clerical or formal error; and (b) give written notice of the amendment to the enforceable undertaking.

Administering Authority	512(1)	Power to amend or suspend an enforceable undertaking if the administering authority is satisfied of the requirements in paragraphs (a) – (d).
Administering Authority	512(2)	Power to give a notice stating proposed action in respect of the enforceable undertaking.
Administering Authority	512(4)	Power to consider written representations.
Administering Authority	512(5)	Power to decide to take action under the section.
Administering Authority	512(6)	Power to give an information notice about the decision within 10 business days after making the decision.
Administering Authority	512(7)	Power to give written notice of a decision not to take action.
Administering Authority	513(2)	Power to apply to the Magistrates Court for an order about contravention of enforceable undertaking.

CHAPTER 11 – ADMINISTRATION

Part 2 – Delegations

Entity power given to	Section of ENPA	Description
Chief Executive Officer (both as Chief Executive Officer and as Administering Executive)	517(2)	Power to delegate their powers under this Act to an appropriately qualified employee of the local government.

Part 3 – Review of decisions and appeals

Division 2 – Internal review of decisions

Entity power given to	Section of ENPA	Description
Administering Authority	521(2)(a)(ii)	In specified circumstances, the power to allow a longer period within which an application for a review of an original decision must be made.
Administering Authority	521(5)	In specified circumstances, the power to, within the decision period for a review of an original decision: <ul style="list-style-type: none"> (a) review the original decision; and (b) consider any submissions properly made by a recipient of a review notice; and (c) make a decision (the review decision) to: <ul style="list-style-type: none"> (i) confirm or revoke the original decision; or (ii) vary the original decision in a way considered appropriate.
Administering Authority	521(8)	Within 10 business days after making a review decision, the power to give written notice of the review decision to the applicant and persons who were given notice of the original decision.

Division 3 – Appeals

Subdivision 2 – Appeals to court

Entity power given to	Section of ENPA	Description
Dissatisfied person	531(1)	In certain circumstances, power to may appeal against the decision to the Court.

Part 4 – General

Entity power given to	Section of ENPA	Description
Administering Executive	544(1)	Power to approve forms.

CHAPTER 12 – MISCELLANEOUS

Part 3A – Auditors

Division 1 – Preliminary

Entity power given to	Section of ENPA	Description
Auditor	568	Power to, subject to the terms of an approval under division 2: (a) conduct environmental audits and prepare environmental reports about audits under chapter 7, part 2, division 2; and (b) evaluate site investigation reports, validation reports, draft site management plans and draft amendments of site management plans prepared under chapter 7, part 8 against criteria prescribed under a regulation (the prescribed criteria) and: (i) if the report or plan does not comply with the prescribed criteria—prepare a report about the evaluation; or (ii) if the report or plan complies with the prescribed criteria—provide written certification that it complies with the criteria; and (c) audit or evaluate another matter or thing prescribed under a regulation and prepare a report or written certification about the audit or evaluation.

CHAPTER 13 – SAVINGS, TRANSITIONAL AND RELATED PROVISIONS

Part 5 – Transitional provisions for Environmental Protection Legislation Amendment Act 2003

Entity power given to	Section of ENPA	Description
Administering Authority	620(2)	In the specified circumstances, the power to change or cancel a condition of an environmental authority.
Administering Authority	620(5)(b)	In the specified circumstances, if a condition has changed or cancelled, the power to, within the specified time period, give the registered operator:

		<p>(i) a copy of the development conditions as applying after the change or cancellation; and</p> <p>(ii) a registration certificate.</p>
Administering Authority	621(1)	<p>Power to, for an activity being carried out under an environmental authority mentioned in section 619(1) of the Environmental Protection Act 1994, give to the person carrying out the activity:</p> <p>(a) if the activity was carried out at 1 location - a development approval for the location; or</p> <p>(b) if the activity was carried at more than 1 location and is not a mobile and temporary environmentally relevant activity - a development approval for each location; or</p> <p>(c) if the activity is a mobile and temporary environmentally relevant activity - a development approval for a mobile and temporary environmentally relevant activity.</p>
Administering Authority	621(2)	If the person carrying out the activity does not have a registration certificate for the activity, the power to also give the person a registration certificate for the activity.
Administering Authority	621(4)	If you act under section 621(1) or (2) of the Environmental Protection Act 1994, the power to give the person carrying out the activity an information notice about your decision to give the approval or approval and certificate.
Administering Authority	623(2)	In specified circumstances, the power to give a registered operator a notice stating that you are satisfied that the risk of environmental harm from carrying out the activity is no longer insignificant.
Administering Authority	626(3)(a)	In specified circumstances, the power to, by written notice, ask an applicant to give a stated document or information relevant to an application.

Part 6 – Transitional provisions for Petroleum and Other Legislation Amendment Act 2004

Entity power given to	Section of ENPA	Description
Administering Authority	634(1)	In specified circumstances, the power to amend a condition about financial assurance imposed under Part 7, Chapter 13 of the Environmental Protection Act 1994 to require the giving of replacement financial assurance, in a form and amount decided by you.

Part 17 – Transitional provisions for the Environmental Protection and Other Legislation Amendment Act 2011

Entity power given to	Section of ENPA	Description
Administering Authority	671(2)	Power to consider, or continue to consider, the draft transitional environment program and decide whether to approve an existing draft transitional environment program under the unamended Act.

Part 18 –

Transitional provisions for Environmental Protection (Greentape Reduction) and Other Legislation Amendment Act 2012

Division 5 – Transitional authorities for environmentally relevant activities

Entity power given to	Section of ENPA	Description
Administering Authority	697(1)	Power to decide whether to approve the application or refuse the application.
Administering Authority	698(1)	In certain circumstances, power to: (a) amend the environmental authority to give effect to the conversion; and (b) issue the amended environmental authority to the applicant.
Administering Authority	698(2)	In certain circumstances, power to give the applicant an information notice about the decision.

Division 5A – Suspended activities

Entity power given to	Section of ENPA	Description
Administering Authority	698B	Power to approve an application to convert the surrendered registration certificate to an environmental authority that has been suspended under chapter 5, part 11A (a conversion application).

Division 6 – Financial assurance

Entity power given to	Section of ENPA	Description
Administering Authority	699(4)	Power to amend the environmental authority to impose a condition about financial assurance.
Administering Authority	699(5)	Power to give written notice of the amendment.

Division 8 – Provisions about environmental management plans

Entity power given to	Section of ENPA	Description
Administering Authority	701(2)	Power to amend the new authority to impose conditions consistent with the environmental management plan.

LIMITATIONS TO THE EXERCISE OF POWER

7. Where Council in its budget or by resolution allocates an amount for the expenditure of Council funds in relation to a particular matter, in exercising delegated power in relation to that matter, the delegate will only commit Council to reasonably foreseeable expenditure up to the amount allocated.
8. The delegate will not exercise any delegated power in relation to a matter which, to the delegate's knowledge, adversely affects, or is likely to adversely affect, Council's relations with the public at large.
9. The delegate will not exercise any delegated power contrary to a resolution or other decision of Council (including a policy decision relating to the matter).
10. The delegate will not exercise any delegated power in a manner, or which has the foreseeable effect, of being contrary to an adopted Council policy or procedure.
11. The delegate will only exercise a delegated power under this resolution in a manner which complies with the requirements of Council's Planning Scheme, and any exercise of power which involves a departure from or variation of those requirements will only be undertaken by Council.
12. The delegate will not exercise any delegated power which cannot lawfully be the subject of delegation by Council.

[2019 12 09 - ENPA - Sub-Delegation Instrument]

Conditions imposed on all Delegations

11. Delegated powers must be read in the context of other powers and subject to conditions stipulated therein;
12. Delegated powers must be exercised consistently with the provisions of Local Government Acts or Regulations, Council Policies and Procedure, Local Laws and Subordinate Local Laws;
13. Any decisions must be made within the financial delegation of the delegate;
14. The delegate shall not give Council opinions and if opinions are to be provided, may only provide personal opinions of the delegate, not in an official capacity as an employee of the Council;
15. Delegated powers only apply to the delegate to the extent that they relate to a delegate's scope of duties as particularised in the Position Description pertaining to that delegate, or as otherwise approved in writing by the CEO or by Council Policy;
16. A delegate may not sub-delegate a power provided for in this Register to a subordinate staff member without the express written consent of the Chief Executive Officer or under a Policy or Procedure adopted by Council;
17. Any power that is not delegable under a Local Government Act or Regulation, shall not be delegable under this instrument;
18. All delegations are subject to conditions imposed in the original delegation to CEO contained in the Instrument of Delegations of Local Government;

- 19.** Whilst exercising a power, the delegate may take into account Ailan Kastom (section 9(3) LGA 2009); and
- 20.** All Powers delegated to the Chief Executive Officer in this Instrument shall be subject to prior Council consultation where exercise of such Power in all reasonable likelihood shall:
- - a. impact on land and/or sea; and/or
 - b. involve payment of compensation regarding land; and/or
 - c. require a budget amendment.

INSTRUMENT OF DELEGATION

Torres Strait Island Regional Council ***Environmental Protection Regulation 2019 ("ENPR")***

Under section 257 of the *Local Government Act 2009*, Torres Strait Island Regional Council resolves to delegate the exercise of the powers contained in Schedule 1 to the Chief Executive Officer.

These powers must be exercised subject to the limitations contained in Schedule 2.

All prior resolutions delegating the same powers to the Chief Executive Officer are repealed.

Environmental Protection Regulation 2019 ("ENPR")**CHAPTER 3 – ENVIRONMENTALLY RELEVANT ACTIVITIES****Part 1 – Environmentally relevant activities – general matters****Division 3 – Development application relating to concurrence ERAs**

Entity power given to	Section of ENPR	Description
Assessment Manager or Referral Agency	21(4)	Power to consider the specified benchmarks under section 22(2).

CHAPTER 4 – REGULATORY REQUIREMENTS¹**Part 2 – Regulatory requirements for all environmental decision**

Entity power given to	Section of ENPR	Description
Administering Authority	35(1)	Power to when making an environmental management decision relating to an environmentally relevant activity, other than the prescribed ERA; (a) carry out an environmental objective assessment against the environmental objective and performance outcomes mentioned in schedule 8, part 3, division 1 and 2; and (b) consider the environmental values declared under this regulation; and (c) if the activity is to be carried out in a strategic environmental area – consider the impacts of the activity on the environmental attributes for the area under the <i>Regional Planning Interests Act 2014</i> ; and (d) consider each of the following under any relevant environmental protection policies- (i) the management hierarchy; (ii) environmental values; (iii) quality objectives; (iv) the management intent; and (e) if the bilateral agreement requires the matters of national environmental significance to be consider- consider those matters.
Administering Authority	35(3)	In the specified circumstances, power to: (a) carry out an environmental objective assessment against the environmental objective and performance outcomes mentioned in schedule 8, part 3, division 1; and

¹ The powers under Chapter 4 may only be exercised by a local government for a matter the enforcement and administration of which has been devolved to the local government under Chapter 8, Part 1, Division 1 and which has not been excluded by Chapter 8, Part 1, Division 2.

		(b) consider the matters mentioned in subsection (1)(b), (c) and (d).
Administering Authority	35(4)	<p>In the specified circumstances, power to:</p> <p>(a) carry out an environmental objective assessment against the environmental objectives for water and groundwater mentioned in schedule 8, part 3, division 1, to the extent the performance outcomes for the environmental objectives relate to fine sediment, or dissolved inorganic nitrogen, entering the water of the Great Barrier Reef;</p> <p>(b) consider each environmental value, declared under this regulation, to the extent the value relates to fine sediment, or dissolved inorganic nitrogen, entering the water of the Great Barrier Reef; and</p> <p>(c) if the activity is to be carried out in a strategic environmental area – consider the impacts of the activity on each environmental attribute for the area under the <i>Regional Planning Interests act 2014</i>, to the extent the attribute relates to fine sediment, or dissolved inorganic nitrogen, entering the water of the Great Barrier Reef; and</p> <p>(d) consider each of the following matters under a relevant environmental protection policy, to the extent the matter relates to fine sediment, or dissolved inorganic nitrogen, entering water of the Great Barrier Reef:</p> <ul style="list-style-type: none"> (i) the management hierarchy; (ii) environmental values; (iii) quality objectives; (iv) the management intent.
Administering Authority	36(1)	Power to, when making an environmental management decision relating to an activity, consider whether to impose conditions about each of the specified matters.
Administering Authority	37(1)	Power to, when making an environmental management decision relating to an activity, consider whether to impose monitoring conditions about the release of contaminants from the activity on the receiving environment.
Administering Authority	37(2)	Power to, when considering whether to impose a monitoring condition, consider the specified matters.

Part 3 – Additional regulatory requirements for particular environmental management decisions

Entity power given to	Section of ENPR	Description
Administering Authority	40(2)	In the specified circumstances, power to refuse to grant an application if the authority considers that, because of the activity, the wetland may be destroyed or reduced in size or the biological integrity of the wetland may not be maintained.
Administering Authority	41(2)	In the specified circumstances, power to refuse to grant an application if the authority considers one of the specified matters to be relevant.
Administering Authority	41AA(3)	Power to consider the relevant activity will, or may, have a residual impact.

Administering Authority	41AB	In the specified circumstances, power to refuse to grant an application if the authority considers that a transshipping activity is to be carried out within a particular area.
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CHAPTER 5 – MATTERS RELATING TO ENVIRONMENTAL MANAGEMENT AND ENVIRONMENTAL OFFENCES

Part 1 – Categorisation of commercial waste and industrial waste

Division 3 – Notification, reporting and record keeping

Entity power given to	Section of ENPR	Description
Generator of waste	51(2)	In the specified circumstances, power to notify the administering authority of the change in waste types within 24 hours after receiving the test results for the retesting.
Generator of waste	51(3)	In the specified circumstances, within 10 business days of receiving the test results for the retesting of the waste, power to give the administering authority a written report stating the specified things.
Generator of waste	52(1)	Power to, for each load of the waste transported to a receiver, record the prescribed information for the load in the approved form.
Generator of waste	52(2)	Power to, before or when the load is given to a receiver, give the prescribed information for the load to the receiver.
Receiver of tested waste	53(2)	In the specified circumstances, power to, before or when the receiver is given the load, record the prescribed information for the load in the approved form.
Receiver of tested waste	53(3)	In the specified circumstances, power to within 24 hours after becoming aware of an omission or inaccuracy in the prescribed information, give written notice of the omission or inaccuracy to the administering authority.

Part 9 – Waste tracking

Division 4 – Miscellaneous

Entity power given to	Section of ENPR	Description
Waste Handler	90(1)(b)	In the specified circumstances, power to enter into a written agreement with another person to do the thing for the waste handler.
Person	93(1)	In the specified circumstances, power to apply to the administering authority for a consignment number.
Person	94(1)	Power to apply to the administering authority for an exemption for the transportation of trackable waste for which this part applies.
Person	97	Power to apply to the administering executive for a generator identification number.

CHAPTER 6 – WASTE MANAGEMENT BY LOCAL GOVERNMENTS²

Part 2 – Waste management in local government areas

Division 1 – Storage of general waste

Entity power given to	Section of ENPR	Description
Local Government	101(1)(b)	Power to require the owner or occupier of a relevant premises in a local government area to supply at the relevant premises, enough waste containers, other than standard general waste containers, to store the general waste produced at the relevant premises.
Local Government	101(2)	Power to determine the amount of standard general waste containers reasonably required at a premises, and to supply to the relevant premises that number of standard general waste containers.
Local Government	102(1)(a)	Power to require the occupier of a relevant premises to store general waste at the relevant premises in another type of waste container than a standard general waste container.
Local Government	101(3)	In the specified circumstance, power to recover the reasonable costs of supplying the container as a debt payable by the owner or occupier of the relevant premises to the local government.
Local Government	102(1)(a)	Power to require the occupier of a relevant premises to store general waste at the relevant premises in another type of waste container than a standard general waste container.
Local Government	103(1)(a)	In the specified circumstances, power to require that the occupier of serviced premises ensure that a waste container supplied for the premises is kept at a particular place at the premises.
Local Government	103(2)(a)	In the specified circumstances, power to arrange to collect waste from the container at a place.
Local Government	104(2)	In the specified circumstances, power to require the person to ensure each of the specified things is supplied at the premises.
Local Government	104(2)(a)(i)	Power to specify a level required by the local government for an elevated stand holding all waste containers.
Local Government	104(2)(a) (ii)	Power to require an imperviously paved area where all waste containers can be placed to be drained.

² Chapter 6 does not apply to a local government area while there is a local law in force about waste management for the area that has replaced Chapter 6 (repealed Chapter 5A).

Division 2 – Removal of general waste

Entity power given to	Section of ENPR	Description
Local Government	105(2)	In the specified circumstances, power to give the occupier of the relevant premises a written notice stating the specified things.
Local Government	106(2)(a)	In the specified circumstances, power to give a written approval (a relevant approval) to the owner or occupier of the relevant premises for depositing or disposing of the waste.
Local Government	106(2)(b)	In the specified circumstances, power to impose conditions on the approval.

Division 3 – Storage and treatment of industrial waste

Entity power given to	Section of ENPR	Description
Local Government	107(1)	Power to require the occupier of relevant premises where there is industrial waste to do the specified things.
Local Government	107(2)	In the specified circumstances, the power to supply industrial waste containers at the premises.
Local Government	107(4)	Power to approve a type of waste container for storing industrial waste at premises within the local government's area.
Local Government	108	Power to determine the standard that industrial waste must be treated to for disposal of the waste at a waste facility.
Local Government	108	Power to require the occupier of relevant premises where there is industrial waste to treat the waste to a standard for disposal of the waste at a waste facility.

Part 3 – Requirements and restrictions for waste facilities

Entity power given to	Section of ENPR	Description
Waste Facility Owner or Operator	112(1)	Power to consent to a person: (a) entering the facility other than to deposit waste; or (b) remaining on the facility after depositing waste; or (c) interfering with waste at, or removing the waste from, the facility.
Waste Facility Owner or Operator	113(2)(a)	In the specified circumstances, the power to display signs giving reasonable directions at the facility,
Waste Facility Owner or Operator	113(2)(b)	In the specified circumstances, the power to give reasonable instructions to a person who transports and delivers waste to the waste facility
Waste Facility Owner or Operator	113(2)(c)	In the specified circumstances, the power to request the person who transports and delivers waste to waste facility to give information to the owner or operator about the type and amount of waste being delivered.

CHAPTER 9 – FEES

Part 3 – Annual Fees

Division 3 – Amendment application for environmental authorities

Entity power given to	Section of ENPR	Description
Administering Authority	173(2)	Power to require, by written notice, the holder of a relevant authority to pay the authority the difference between the annual fee and the reduced annual fee.

LIMITATIONS TO THE EXERCISE OF POWER

1. Where Council in its budget or by resolution allocates an amount for the expenditure of Council funds in relation to a particular matter, in exercising delegated power in relation to that matter, the delegate will only commit Council to reasonably foreseeable expenditure up to the amount allocated.
2. The delegate will not exercise any delegated power in relation to a matter which, to the delegate's knowledge, adversely affects, or is likely to adversely affect, Council's relations with the public at large.
3. The delegate will not exercise any delegated power contrary to a resolution or other decision of Council (including a policy decision relating to the matter).
4. The delegate will not exercise any delegated power in a manner, or which has the foreseeable effect, of being contrary to an adopted Council policy or procedure.
5. The delegate will only exercise a delegated power under this resolution in a manner which complies with the requirements of Council's Planning Scheme, and any exercise of power which involves a departure from or variation of those requirements will only be undertaken by Council.
6. The delegate will not exercise any delegated power which cannot lawfully be the subject of delegation by Council.

[2020 09 25 - ENPR - Delegation Instrument]

Conditions imposed on all Delegations

1. Delegated powers must be read in the context of other powers and subject to conditions stipulated therein;
2. Delegated powers must be exercised consistently with the provisions of Local Government Acts or Regulations, Council Policies and Procedure, Local Laws and Subordinate Local Laws;
3. Any decisions must be made within the financial delegation of the delegate;
4. The delegate shall not give Council opinions and if opinions are to be provided, may only provide personal opinions of the delegate, not in an official capacity as an employee of the Council;
5. Delegated powers only apply to the delegate to the extent that they relate to a delegate's scope of duties as particularised in the Position Description pertaining to that delegate, or as otherwise approved in writing by the CEO or by Council Policy;
6. A delegate may not sub-delegate a power provided for in this Register to a subordinate staff member without the express written consent of the Chief Executive Officer or under a Policy or Procedure adopted by Council;
7. Any power that is not delegable under a Local Government Act or Regulation, shall not be delegable under this instrument;
8. All delegations are subject to conditions imposed in the original delegation to CEO contained in the Instrument of Delegations of Local Government;

9. Whilst exercising a power, the delegate may take into account Ailan Kastom (section 9(3) LGA 2009); and
10. All Powers delegated to the Chief Executive Officer in this Instrument shall be subject to prior Council consultation where exercise of such Power in all reasonable likelihood shall:
 -
 - a. impact on land and/or sea; and/or
 - b. involve payment of compensation regarding land; and/or
 - c. require a budget amendment.

DELEGABLE POWERS UNDER THE ENVIRONMENTAL PROTECTION REGULATION 2019 ("ENPR")

CHAPTER 3 – ENVIRONMENTALLY RELEVANT ACTIVITIES

Part 1 – Environmentally relevant activities – general matters

Division 3 – Development application relating to concurrence ERAs

Entity power given to	Section of ENPR	Description	Delegation to the CEO / Date of Resolution	Sub-Delegation to Officers	Date of Sub-Delegation	Limitations and Conditions
Assessment Manager or Referral Agency	21(4)	Power to consider the specified benchmarks under section 22(2).				

CHAPTER 4 – REGULATORY REQUIREMENTS³

Part 2 – Regulatory requirements for all environmental decision

Entity power given to	Section of ENPR	Description	Delegation to the CEO / Date of Resolution	Sub-Delegation to Officers	Date of Sub-Delegation	Limitations and Conditions
Administering Authority	35(1)	<p>Power to when making an environmental management decision relating to an environmentally relevant activity, other than the prescribed ERA;</p> <p>(a) carry out an environmental objective assessment against the environmental objective and performance outcomes mentioned in schedule 8, part 3, division 1 and 2; and</p> <p>(b) consider the environmental values declared under this regulation; and</p> <p>(c) if the activity is to be carried out in a strategic environmental area – consider the impacts of the activity on the environmental attributes for the area under the <i>Regional Planning Interests Act 2014</i>; and</p> <p>(d) consider each of the following under any relevant environmental protection policies-</p> <p>(i) the management hierarchy;</p> <p>(ii) environmental values;</p>				

³ The powers under Chapter 4 may only be exercised by a local government for a matter the enforcement and administration of which has been devolved to the local government under Chapter 8, Part 1, Division 1 and which has not been excluded by Chapter 8, Part 1, Division 2.

		<ul style="list-style-type: none"> (iii) quality objectives; (iv) the management intent; and (e) if the bilateral agreement requires the matters of national environmental significance to be considered - consider those matters. 				
Administering Authority	35(3)	<p>In the specified circumstances, power to:</p> <ul style="list-style-type: none"> (a) carry out an environmental objective assessment against the environmental objective and performance outcomes mentioned in schedule 8, part 3, division 1; and (b) consider the matters mentioned in subsection (1)(b), (c) and (d). 				
Administering Authority	35(4)	<p>In the specified circumstances, power to:</p> <ul style="list-style-type: none"> (a) carry out an environmental objective assessment against the environmental objectives for water and groundwater mentioned in schedule 8, part 3, division 1, to the extent the performance outcomes for the environmental objectives relate to fine sediment, or dissolved inorganic nitrogen, entering the water of the Great Barrier Reef; (b) consider each environmental value, declared under this regulation, to the extent the value relates to fine sediment, or dissolved inorganic nitrogen, entering the water of the Great Barrier Reef; and (c) if the activity is to be carried out in a strategic environmental area – consider the impacts of the activity on each environmental attribute for the area 				

		<p>under the <i>Regional Planning Interests act 2014</i>, to the extent the attribute relates to fine sediment, or dissolved inorganic nitrogen, entering the water of the Great Barrier Reef; and</p> <p>(d) consider each of the following matters under a relevant environmental protection policy, to the extent the matter relates to fine sediment, or dissolved inorganic nitrogen, entering water of the Great Barrier Reef:</p> <ul style="list-style-type: none"> (i) the management hierarchy; (ii) environmental values; (iii) quality objectives; (iv) the management intent. 				
Administering Authority	36(1)	Power to, when making an environmental management decision relating to an activity, consider whether to impose conditions about each of the specified matters.				
Administering Authority	37(1)	Power to, when making an environmental management decision relating to an activity, consider whether to impose monitoring conditions about the release of contaminants from the activity on the receiving environment.				
Administering Authority	37(2)	Power to, when considering whether to impose a monitoring condition, consider the specified matters.				

Part 3 – Additional regulatory requirements for particular environmental management decisions

Entity power given to	Section of ENPR	Description	Delegation to the CEO / Date of Resolution	Sub-Delegation to Officers	Date of Sub-Delegation	Limitations and Conditions
Administering Authority	40(2)	In the specified circumstances, power to refuse to grant an application if the authority considers that, because of the activity, the wetland may be destroyed or reduced in size or the biological integrity of the wetland may not be maintained.				
Administering Authority	41(2)	In the specified circumstances, power to refuse to grant an application if the authority considers one of the specified matters to be relevant.				
Administering Authority	41AA(3)	Power to consider the relevant activity will, or may, have a residual impact.				
Administering Authority	41AB	In the specified circumstances, power to refuse to grant an application if the authority considers that a transshipping activity is to be carried out within a particular area.				

CHAPTER 5 – MATTERS RELATING TO ENVIRONMENTAL MANAGEMENT AND ENVIRONMENTAL OFFENCES

Part 1 – Categorisation of commercial waste and industrial waste

Division 3 – Notification, reporting and record keeping

Entity power given to	Section of ENPR	Description	Delegation to the CEO / Date of Resolution	Sub-Delegation to Officers	Date of Sub-Delegation	Limitations and Conditions
Generator of waste	51(2)	In the specified circumstances, power to notify the administering authority of the change in waste types within 24 hours after receiving the test results for the retesting.				
Generator of waste	51(3)	In the specified circumstances, within 10 business days of receiving the test results for the retesting of the waste, power to give the administering authority a written report stating the specified things.				
Generator of waste	52(1)	Power to, for each load of the waste transported to a receiver, record the prescribed information for the load in the approved form.				
Generator of waste	52(2)	Power to, before or when the load is given to a receiver, give the prescribed information for the load to the receiver.				

Receiver of tested waste	53(2)	In the specified circumstances, power to, before or when the receiver is given the load, record the prescribed information for the load in the approved form.				
Receiver of tested waste	53(3)	In the specified circumstances, power to within 24 hours after becoming aware of an omission or inaccuracy in the prescribed information, give written notice of the omission or inaccuracy to the administering authority.				

Part 9 – Waste tracking

Division 4 – Miscellaneous

Entity power given to	Section of ENPR	Description	Delegation to the CEO / Date of Resolution	Sub-Delegation to Officers	Date of Sub-Delegation	Limitations and Conditions
Waste Handler	90(1)(b)	In the specified circumstances, power to enter into a written agreement with another person to do the thing for the waste handler.				
Person	93(1)	In the specified circumstances, power to apply to the administering authority for a consignment number.				
Person	94(1)	Power to apply to the administering authority for an exemption for the transportation of trackable waste for which this part applies.				

Person	97	Power to apply to the administering executive for a generator identification number.				
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CHAPTER 6 – WASTE MANAGEMENT BY LOCAL GOVERNMENTS⁴

Part 2 – Waste management in local government areas

Division 1 – Storage of general waste

Entity power given to	Section of ENPR	Description	Delegation to the CEO / Date of Resolution	Sub-Delegation to Officers	Date of Sub-Delegation	Limitations and Conditions
Local Government	101(1)(b)	Power to require the owner or occupier of a relevant premises in a local government area to supply at the relevant premises, enough waste containers, other than standard general waste containers, to store the general waste produced at the relevant premises.				
Local Government	101(2)	Power to determine the amount of standard general waste containers reasonably required at a premises, and to supply to the relevant premises that number of standard general waste containers.				

⁴ Chapter 6 does not apply to a local government area while there is a local law in force about waste management for the area that has replaced Chapter 6 (repealed Chapter 5A).

Local Government	102(1)(a)	Power to require the occupier of a relevant premises to store general waste at the relevant premises in another type of waste container than a standard general waste container.				
Local Government	101(3)	In the specified circumstance, power to recover the reasonable costs of supplying the container as a debt payable by the owner or occupier of the relevant premises to the local government.				
Local Government	102(1)(a)	Power to require the occupier of a relevant premises to store general waste at the relevant premises in another type of waste container than a standard general waste container.				
Local Government	103(1)(a)	In the specified circumstances, power to require that the occupier of serviced premises ensure that a waste container supplied for the premises is kept at a particular place at the premises.				
Local Government	103(2)(a)	In the specified circumstances, power to arrange to collect waste from the container at a place.				
Local Government	104(2)	In the specified circumstances, power to require the person to ensure each of the specified things is supplied at the premises.				

Local Government	104(2)(a)(i)	Power to specify a level required by the local government for an elevated stand holding all waste containers.				
Local Government	104(2)(a)(ii)	Power to require an imperviously paved area where all waste containers can be placed to be drained.				

Division 2 – Removal of general waste

Entity power given to	Section of ENPR	Description	Delegation to the CEO / Date of Resolution	Sub-Delegation to Officers	Date of Sub-Delegation	Limitations and Conditions
Local Government	105(2)	In the specified circumstances, power to give the occupier of the relevant premises a written notice stating the specified things.				
Local Government	106(2)(a)	In the specified circumstances, power to give a written approval (a relevant approval) to the owner or occupier of the relevant premises for depositing or disposing of the waste.				
Local Government	106(2)(b)	In the specified circumstances, power to impose conditions on the approval.				

Division 3 – Storage and treatment of industrial waste

Entity power given to	Section of ENPR	Description	Delegation to the CEO / Date of Resolution	Sub-Delegation to Officers	Date of Sub-Delegation	Limitations and Conditions
Local Government	107(1)	Power to require the occupier of relevant premises where there is industrial waste to do the specified things.				
Local Government	107(2)	In the specified circumstances, the power to supply industrial waste containers at the premises.				
Local Government	107(4)	Power to approve a type of waste container for storing industrial waste at premises within the local government's area.				
Local Government	108	Power to determine the standard that industrial waste must be treated to for disposal of the waste at a waste facility.				
Local Government	108	Power to require the occupier of relevant premises where there is industrial waste to treat the waste to a standard for disposal of the waste at a waste facility.				

Part 3 – Requirements and restrictions for waste facilities

Entity power given to	Section of ENPR	Description	Delegation to the CEO / Date of Resolution	Sub-Delegation to Officers	Date of Sub-Delegation	Limitations and Conditions
Waste Facility Owner or Operator	112(1)	Power to consent to a person: (a) entering the facility other than to deposit waste; or (b) remaining on the facility after depositing waste; or (c) interfering with waste at, or removing the waste from, the facility.				
Waste Facility Owner or Operator	113(2)(a)	In the specified circumstances, the power to display signs giving reasonable directions at the facility,				
Waste Facility Owner or Operator	113(2)(b)	In the specified circumstances, the power to give reasonable instructions to a person who transports and delivers waste to the waste facility				
Waste Facility Owner or Operator	113(2)(c)	In the specified circumstances, the power to request the person who transports and delivers waste to waste facility to give information to the owner or operator about the type and amount of waste being delivered.				

CHAPTER 9 – FEES

Part 3 – Annual Fees

Division 3 – Amendment application for environmental authorities

Entity power given to	Section of ENPR	Description	Delegation to the CEO / Date of Resolution	Sub-Delegation to Officers	Date of Sub-Delegation	Limitations and Conditions
Administering Authority	173(2)	Power to require, by written notice, the holder of a relevant authority to pay the authority the difference between the annual fee and the reduced annual fee.	N/A			

[2020 09 25 - ENPR - Delegation Table]

Torres Strait Island Regional Council
Environmental Protection Regulation 2019 ("ENPR")

Bruce Ranga
Chief Executive Officer
Torres Strait Island Regional Council

Position: Insert Position
Position Code: Insert Position Code

POWERS SUB-DELEGATED

Environmental Protection Regulation 2019 ("ENPR")

CHAPTER 3 – ENVIRONMENTALLY RELEVANT ACTIVITIES

Part 1 – Environmentally relevant activities – general matters

Division 3 – Development application relating to concurrence ERAs

Entity power given to	Section of ENPR	Description
Assessment Manager or Referral Agency	21(4)	Power to consider the specified benchmarks under section 22(2).

CHAPTER 4 – REGULATORY REQUIREMENTS⁵

Part 2 – Regulatory requirements for all environmental decision

Entity power given to	Section of ENPR	Description
Administering Authority	35(1)	<p>Power to when making an environmental management decision relating to an environmentally relevant activity, other than the prescribed ERA;</p> <ul style="list-style-type: none"> (a) carry out an environmental objective assessment against the environmental objective and performance outcomes mentioned in schedule 8, part 3, division 1 and 2; and (b) consider the environmental values declared under this regulation; and (c) if the activity is to be carried out in a strategic environmental area – consider the impacts of the activity on the environmental attributes for the area under the <i>Regional Planning Interests Act 2014</i>; and (d) consider each of the following under any relevant environmental protection policies- <ul style="list-style-type: none"> (i) the management hierarchy; (ii) environmental values; (iii) quality objectives; (iv) the management intent; and (e) if the bilateral agreement requires the matters of national environmental significance to be consider- consider those matters.
Administering Authority	35(3)	In the specified circumstances, power to:

⁵ The powers under Chapter 4 may only be exercised by a local government for a matter the enforcement and administration of which has been devolved to the local government under Chapter 8, Part 1, Division 1 and which has not been excluded by Chapter 8, Part 1, Division 2.

		<p>(a) carry out an environmental objective assessment against the environmental objective and performance outcomes mentioned in schedule 8, part 3, division 1; and</p> <p>(b) consider the matters mentioned in subsection (1)(b), (c) and (d).</p>
Administering Authority	35(4)	<p>In the specified circumstances, power to:</p> <p>(a) carry out an environmental objective assessment against the environmental objectives for water and groundwater mentioned in schedule 8, part 3, division 1, to the extent the performance outcomes for the environmental objectives relate to fine sediment, or dissolved inorganic nitrogen, entering the water of the Great Barrier Reef;</p> <p>(b) consider each environmental value, declared under this regulation, to the extent the value relates to fine sediment, or dissolved inorganic nitrogen, entering the water of the Great Barrier Reef; and</p> <p>(c) if the activity is to be carried out in a strategic environmental area – consider the impacts of the activity on each environmental attribute for the area under the <i>Regional Planning Interests act 2014</i>, to the extent the attribute relates to fine sediment, or dissolved inorganic nitrogen, entering the water of the Great Barrier Reef; and</p> <p>(d) consider each of the following matters under a relevant environmental protection policy, to the extent the matter relates to fine sediment, or dissolved inorganic nitrogen, entering water of the Great Barrier Reef:</p> <ul style="list-style-type: none"> (i) the management hierarchy; (ii) environmental values; (iii) quality objectives; (iv) the management intent.
Administering Authority	36(1)	Power to, when making an environmental management decision relating to an activity, consider whether to impose conditions about each of the specified matters.
Administering Authority	37(1)	Power to, when making an environmental management decision relating to an activity, consider whether to impose monitoring conditions about the release of contaminants from the activity on the receiving environment.
Administering Authority	37(2)	Power to, when considering whether to impose a monitoring condition, consider the specified matters.

Part 3 – Additional regulatory requirements for particular environmental management decisions

Entity power given to	Section of ENPR	Description
Administering Authority	40(2)	In the specified circumstances, power to refuse to grant an application if the authority considers that, because of the activity, the wetland may be destroyed or reduced in size or the biological integrity of the wetland may not be maintained.

Administering Authority	41(2)	In the specified circumstances, power to refuse to grant an application if the authority considers one of the specified matters to be relevant.
Administering Authority	41AA(3)	Power to consider the relevant activity will, or may, have a residual impact.
Administering Authority	41AB	In the specified circumstances, power to refuse to grant an application if the authority considers that a transshipping activity is to be carried out within a particular area.

CHAPTER 5 – MATTERS RELATING TO ENVIRONMENTAL MANAGEMENT AND ENVIRONMENTAL OFFENCES

Part 1 – Categorisation of commercial waste and industrial waste

Division 3 – Notification, reporting and record keeping

Entity power given to	Section of ENPR	Description
Generator of waste	51(2)	In the specified circumstances, power to notify the administering authority of the change in waste types within 24 hours after receiving the test results for the retesting.
Generator of waste	51(3)	In the specified circumstances, within 10 business days of receiving the test results for the retesting of the waste, power to give the administering authority a written report stating the specified things.
Generator of waste	52(1)	Power to, for each load of the waste transported to a receiver, record the prescribed information for the load in the approved form.
Generator of waste	52(2)	Power to, before or when the load is given to a receiver, give the prescribed information for the load to the receiver.
Receiver of tested waste	53(2)	In the specified circumstances, power to, before or when the receiver is given the load, record the prescribed information for the load in the approved form.
Receiver of tested waste	53(3)	In the specified circumstances, power to within 24 hours after becoming aware of an omission or inaccuracy in the prescribed information, give written notice of the omission or inaccuracy to the administering authority.

Part 9 – Waste tracking

Division 4 – Miscellaneous

Entity power given to	Section of ENPR	Description
Waste Handler	90(1)(b)	In the specified circumstances, power to enter into a written agreement with another person to do the thing for the waste handler.
Person	93(1)	In the specified circumstances, power to apply to the administering authority for a consignment number.

Person	94(1)	Power to apply to the administering authority for an exemption for the transportation of trackable waste for which this part applies.
Person	97	Power to apply to the administering executive for a generator identification number.

CHAPTER 6 – WASTE MANAGEMENT BY LOCAL GOVERNMENTS⁶

Part 2 – Waste management in local government areas

Division 1 – Storage of general waste

Entity power given to	Section of ENPR	Description
Local Government	101(1)(b)	Power to require the owner or occupier of a relevant premises in a local government area to supply at the relevant premises, enough waste containers, other than standard general waste containers, to store the general waste produced at the relevant premises.
Local Government	101(2)	Power to determine the amount of standard general waste containers reasonably required at a premises, and to supply to the relevant premises that number of standard general waste containers.
Local Government	102(1)(a)	Power to require the occupier of a relevant premises to store general waste at the relevant premises in another type of waste container than a standard general waste container.
Local Government	101(3)	In the specified circumstance, power to recover the reasonable costs of supplying the container as a debt payable by the owner or occupier of the relevant premises to the local government.
Local Government	102(1)(a)	Power to require the occupier of a relevant premises to store general waste at the relevant premises in another type of waste container than a standard general waste container.
Local Government	103(1)(a)	In the specified circumstances, power to require that the occupier of serviced premises ensure that a waste container supplied for the premises is kept at a particular place at the premises.
Local Government	103(2)(a)	In the specified circumstances, power to arrange to collect waste from the container at a place.
Local Government	104(2)	In the specified circumstances, power to require the person to ensure each of the specified things is supplied at the premises.
Local Government	104(2)(a)(i)	Power to specify a level required by the local government for an elevated stand holding all waste containers.
Local Government	104(2)(a) (ii)	Power to require an imperviously paved area where all waste containers can be placed to be drained.

⁶ Chapter 6 does not apply to a local government area while there is a local law in force about waste management for the area that has replaced Chapter 6 (repealed Chapter 5A).

Division 2 – Removal of general waste

Entity power given to	Section of ENPR	Description
Local Government	105(2)	In the specified circumstances, power to give the occupier of the relevant premises a written notice stating the specified things.
Local Government	106(2)(a)	In the specified circumstances, power to give a written approval (a relevant approval) to the owner or occupier of the relevant premises for depositing or disposing of the waste.
Local Government	106(2)(b)	In the specified circumstances, power to impose conditions on the approval.

Division 3 – Storage and treatment of industrial waste

Entity power given to	Section of ENPR	Description
Local Government	107(1)	Power to require the occupier of relevant premises where there is industrial waste to do the specified things.
Local Government	107(2)	In the specified circumstances, the power to supply industrial waste containers at the premises.
Local Government	107(4)	Power to approve a type of waste container for storing industrial waste at premises within the local government's area.
Local Government	108	Power to determine the standard that industrial waste must be treated to for disposal of the waste at a waste facility.
Local Government	108	Power to require the occupier of relevant premises where there is industrial waste to treat the waste to a standard for disposal of the waste at a waste facility.

Part 3 – Requirements and restrictions for waste facilities

Entity power given to	Section of ENPR	Description
Waste Facility Owner or Operator	112(1)	Power to consent to a person: (a) entering the facility other than to deposit waste; or (b) remaining on the facility after depositing waste; or (c) interfering with waste at, or removing the waste from, the facility.
Waste Facility Owner or Operator	113(2)(a)	In the specified circumstances, the power to display signs giving reasonable directions at the facility,
Waste Facility Owner or Operator	113(2)(b)	In the specified circumstances, the power to give reasonable instructions to a person who transports and delivers waste to the waste facility
Waste Facility Owner or Operator	113(2)(c)	In the specified circumstances, the power to request the person who transports and delivers waste to waste facility to give information to the owner or operator about the type and amount of waste being delivered.

CHAPTER 9 – FEES

Part 3 – Annual Fees

Division 3 – Amendment application for environmental authorities

Entity power given to	Section of ENPR	Description
Administering Authority	173(2)	Power to require, by written notice, the holder of a relevant authority to pay the authority the difference between the annual fee and the reduced annual fee.

LIMITATIONS TO THE EXERCISE OF POWER

1. Where Council in its budget or by resolution allocates an amount for the expenditure of Council funds in relation to a particular matter, in exercising delegated power in relation to that matter, the delegate will only commit Council to reasonably foreseeable expenditure up to the amount allocated.
2. The delegate will not exercise any delegated power in relation to a matter which, to the delegate's knowledge, adversely affects, or is likely to adversely affect, Council's relations with the public at large.
3. The delegate will not exercise any delegated power contrary to a resolution or other decision of Council (including a policy decision relating to the matter).
4. The delegate will not exercise any delegated power in a manner, or which has the foreseeable effect, of being contrary to an adopted Council policy or procedure.
5. The delegate will only exercise a delegated power under this resolution in a manner which complies with the requirements of Council's Planning Scheme, and any exercise of power which involves a departure from or variation of those requirements will only be undertaken by Council.
6. The delegate will not exercise any delegated power which cannot lawfully be the subject of delegation by Council.

[2020 09 25 - ENPR - Sub-Delegation Instrument]

Conditions imposed on all Delegations

1. Delegated powers must be read in the context of other powers and subject to conditions stipulated therein;
2. Delegated powers must be exercised consistently with the provisions of Local Government Acts or Regulations, Council Policies and Procedure, Local Laws and Subordinate Local Laws;
3. Any decisions must be made within the financial delegation of the delegate;
4. The delegate shall not give Council opinions and if opinions are to be provided, may only provide personal opinions of the delegate, not in an official capacity as an employee of the Council;
5. Delegated powers only apply to the delegate to the extent that they relate to a delegate's scope of duties as particularised in the Position Description pertaining to that delegate, or as otherwise approved in writing by the CEO or by Council Policy;
6. A delegate may not sub-delegate a power provided for in this Register to a subordinate staff member without the express written consent of the Chief Executive Officer or under a Policy or Procedure adopted by Council;
7. Any power that is not delegable under a Local Government Act or Regulation, shall not be delegable under this instrument;
8. All delegations are subject to conditions imposed in the original delegation to CEO contained in the Instrument of Delegations of Local Government;

9. Whilst exercising a power, the delegate may take into account Ailan Kastom (section 9(3) LGA 2009); and
10. All Powers delegated to the Chief Executive Officer in this Instrument shall be subject to prior Council consultation where exercise of such Power in all reasonable likelihood shall:
 -
 - a. impact on land and/or sea; and/or
 - b. involve payment of compensation regarding land; and/or
 - c. require a budget amendment.

INSTRUMENT OF DELEGATION

Torres Strait Island Regional Council ***Heavy Vehicle National Law (Queensland) ("HVNL")***

Under section 257 of the *Local Government Act 2009*, Torres Strait Island Regional Council resolves to delegate the exercise of the powers contained in Schedule 1 to the Chief Executive Officer.

These powers must be exercised subject to the limitations contained in Schedule 2.

All prior resolutions delegating the same powers to the Chief Executive Officer are repealed.

Heavy Vehicle National Law (Queensland) ("HVNL")**CHAPTER 4 – VEHICLE OPERATIONS – MASS, DIMENSION AND LOADING****Part 4.5 – Exemptions for particular overmass or oversize vehicles****Division 3 – Exemptions by permit**

Entity power given to	Section of HVNL	Description
Relevant Road Manager	124(1)(b)	Power to consent to the grant of an exemption.

Part 4.6 – Restricting access to roads by large vehicles that are not overmass or oversize vehicles**Division 3 – Authorisation by Commonwealth Gazette notice**

Entity power given to	Section of HVNL	Description
Relevant Road Manager	139(1)(b)	Power to consent to a grant for an authorisation.

Division 4 – Authorisation by permit

Entity power given to	Section of HVNL	Description
Relevant Road Manager	145(1)(b)	Power to consent to a grant under this section.

Part 4.7 – Particular provision about mass or dimensions authority**Division 2 – Obtaining consent of a relevant road manager**

Entity power given to	Section of HVNL	Description
Road Manager	156(1)	Power to decide to give consent within the time specified and agree to a longer period for providing consent.
Road Manager	156(2)(b)	Power to ask the Regulator for a longer period under subsection 156(1)(b) and power to consider a route assessment is necessary for deciding whether or not to give the consent under section 156(1).
Local Government Authority	156(2)(c)	Power to be consulted about a Road Manager's decision to grant consent to the grant of a mass or dimension authority.
Road Manager	156(3)	Power to decide not to give consent to the grant of a mass or dimension authority and power to be satisfied of the things stated in section 156(3)(a) and (b).
Relevant Road Manager	156(6)	Power to give the Regulator a written statement that explains the Road Manager's decision and complies with section 172.
Road Manager	158(4)(c)	Power to decide not to give the consent on the ground that the consent would be inoperative.
Road Manager	158(4)(d)	Power to decide to give the consent but the consent is inoperative without the other entity's approval.

Road Manager	159(2)	Power to notify the Regulator of the things stated in section 159(2)(a) and (b).
Relevant Road Manager	160(1)	Power to consent to the grant of a mass or dimension authority subject to the specified conditions.
Relevant Road Manager	160(2)(a)	Power to give the regulator a written statement that explains the road manager's decision to give consent to the grant of the authority, subject to the condition and complies with section 172.
Relevant Road Manager	161(1)	Power to consent to the grant of an authority subject to conditions.
Relevant Road Manager	161(2)	Power to give a Regulator a written statement that explains the Road Manager's decision to consent to the grant of an authority subject to conditions which complies with section 172.
Relevant Road Manager	162(1)	Power to ask the Regulator to impose stated vehicle conditions on an authority.
Relevant Road Manager	167(2)(b)	Power to give the Regulator a Notice of Objection to the application under section 167 to a proposed replacement authority within the time specified.
Relevant Road Manager	167(3)	Power to give written notice to the Regulator that the Road Manager gives or refuses consent.
Relevant Road Manager	169(1)	Power to give consent to the grant of a mass or dimension authority for a trial period as set in that section.

Division 3 – Amendment, cancellation or suspension of mass or dimension authority granting by Commonwealth Gazette Notice

Entity power given to	Section of HVNL	Description
Relevant Road Manager	174(1)	Power to be satisfied the use of heavy vehicles on a road under the Authority in the circumstances set out in section 174(1)(a) – (c).
Relevant Road Manager	174(2)	Power to ask the Regulator about the matters stated in section 174(2)(a)(ia) – (iii) and (2)(b).

Division 4 – Amendment, cancellation or suspension of mass or dimension authority granted by permit

Entity power given to	Section of HVNL	Description
Relevant Road Manager	178(1)	Power to be satisfied the use of heavy vehicles on a road under the Authority will do the things stated in section 178(1)(a) – (c).
Relevant Road Manager	178(2)	Power to ask the Regulator about the things stated in section 178(2)(a) and (b).

CHAPTER 10 – SANCTIONS AND PROVISIONS ABOUT LIABILITY FOR OFFENCES

Part 10.1 – Formal warnings

Entity power given to	Section of HVNL	Description
Person	590A(2)	Power to provide undertaking to the Regulator or an authorised officer (the promisee) in relation to a contravention or alleged contravention of the Law.

Person	590C(1)	Power to at any time, with the written agreement of the promisee to withdraw the undertaking or change the undertaking.
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Part 10.4 – Provisions about liability

Entity power given to	Section of HVNL	Description
Person	632(A)(4)	Power to introduce evidence of complying with this Law in a way that differs from the code but that provides a standard of safety or protection equivalent to or higher than the standard required in the code.

CHAPTER 11 – REVIEWS AND APPEALS

Part 11.2 – Internal review

Entity power given to	Section of HVNL	Description
Reviewer	664(2)	Power to conduct the review as set out in section 664(2).
Reviewer	664(3)	Power to give an applicant a reasonable opportunity to make written or oral representations to the Reviewer.
Reviewer	645(1)	Power to make a review decision.
Reviewer	645(5)	Power to give the Regulator notice of a review decision stating the decision and the reasons for the decision.
Road Manager	645(6)(ii)	Power to agree with the Regulator to a longer period for a review of a reviewable decision.

LIMITATIONS TO THE EXERCISE OF POWER

1. Where Council in its budget or by resolution allocates an amount for the expenditure of Council funds in relation to a particular matter, in exercising delegated power in relation to that matter, the delegate will only commit Council to reasonably foreseeable expenditure up to the amount allocated.
2. The delegate will not exercise any delegated power in relation to a matter which, to the delegate's knowledge, adversely affects, or is likely to adversely affect, Council's relations with the public at large.
3. The delegate will not exercise any delegated power contrary to a resolution or other decision of Council (including a policy decision relating to the matter).
4. The delegate will not exercise any delegated power in a manner, or which has the foreseeable effect, of being contrary to an adopted Council policy or procedure.
5. The delegate will only exercise a delegated power under this resolution in a manner which complies with the requirements of Council's Planning Scheme, and any exercise of power which involves a departure from or variation of those requirements will only be undertaken by Council.
6. The delegate will not exercise any delegated power which cannot lawfully be the subject of delegation by Council.

[2019 09 12 - HVNL - Delegation Instrument]

Conditions imposed on all Delegations

1. Delegated powers must be read in the context of other powers and subject to conditions stipulated therein;
2. Delegated powers must be exercised consistently with the provisions of Local Government Acts or Regulations, Council Policies and Procedure, Local Laws and Subordinate Local Laws;
3. Any decisions must be made within the financial delegation of the delegate;
4. The delegate shall not give Council opinions and if opinions are to be provided, may only provide personal opinions of the delegate, not in an official capacity as an employee of the Council;
5. Delegated powers only apply to the delegate to the extent that they relate to a delegate's scope of duties as particularised in the Position Description pertaining to that delegate, or as otherwise approved in writing by the CEO or by Council Policy;
6. A delegate may not sub-delegate a power provided for in this Register to a subordinate staff member without the express written consent of the Chief Executive Officer or under a Policy or Procedure adopted by Council;
7. Any power that is not delegable under a Local Government Act or Regulation, shall not be delegable under this instrument;
8. All delegations are subject to conditions imposed in the original delegation to CEO contained in the Instrument of Delegations of Local Government;

9. Whilst exercising a power, the delegate may take into account Ailan Kastom (section 9(3) LGA 2009); and
10. All Powers delegated to the Chief Executive Officer in this Instrument shall be subject to prior Council consultation where exercise of such Power in all reasonable likelihood shall:
 -
 - a. impact on land and/or sea; and/or
 - b. involve payment of compensation regarding land; and/or
 - c. require a budget amendment.

DELEGABLE POWERS UNDER THE HEAVY VEHICLE NATIONAL LAW (QUEENSLAND) ("HVNL")

CHAPTER 4 – VEHICLE OPERATIONS – MASS, DIMENSION AND LOADING

Part 4.5 – Exemptions for particular overmass or oversize vehicles

Division 3 – Exemptions by permit

Entity power given to	Section of HVNL	Description	Delegation to the CEO / Date of Resolution	Sub-Delegation to Officers	Date of Sub-Delegation	Limitations and Conditions
Relevant Road Manager	124(1)(b)	Power to consent to the grant of an exemption.				

Part 4.6 – Restricting access to roads by large vehicles that are not overmass or oversize vehicles

Division 3 – Authorisation by Commonwealth Gazette notice

Entity power given to	Section of HVNL	Description	Delegation to the CEO / Date of Resolution	Sub-Delegation to Officers	Date of Sub-Delegation	Limitations and Conditions
Relevant Road Manager	139(1)(b)	Power to consent to a grant for an authorisation.				

Division 4 – Authorisation by permit

Entity power given to	Section of HVNL	Description	Delegation to the CEO / Date of Resolution	Sub-Delegation to Officers	Date of Sub-Delegation	Limitations and Conditions
Relevant Road Manager	145(1)(b)	Power to consent to a grant under this section.				

Part 4.7 – Particular provision about mass or dimensions authority

Division 2 – Obtaining consent of a relevant road manager

Entity power given to	Section of HVNL	Description	Delegation to the CEO / Date of Resolution	Sub-Delegation to Officers	Date of Sub-Delegation	Limitations and Conditions
Road Manager	156(1)	Power to decide to give consent within the time specified and agree to a longer period for providing consent.				
Road Manager	156(2)(b)	Power to ask the Regulator for a longer period under subsection 156(1)(b) and power to consider a route assessment is necessary for deciding whether or not to give the consent under section 156(1).				
Local Government Authority	156(2)(c)	Power to be consulted about a Road Manager's decision to grant consent to the grant of a mass or dimension authority.				
Road Manager	156(3)	Power to decide not to give consent to the grant of a mass or dimension authority and power to be satisfied of the things stated in section 156(3)(a) and (b).				
Relevant Road Manager	156(6)	Power to give the Regulator a written statement that explains the Road Manager's decision and complies with section 172.				

Road Manager	158(4)(c)	Power to decide not to give the consent on the ground that the consent would be inoperative.				
Road Manager	158(4)(d)	Power to decide to give the consent but the consent is inoperative without the other entity's approval.				
Road Manager	159(2)	Power to notify the Regulator of the things stated in section 159(2)(a) and (b).				
Relevant Road Manager	160(1)	Power to consent to the grant of a mass or dimension authority subject to the specified conditions.				
Relevant Road Manager	160(2)(a)	Power to give the regulator a written statement that explains the road manager's decision to give consent to the grant of the authority, subject to the condition and complies with section 172.				
Relevant Road Manager	161(1)	Power to consent to the grant of an authority subject to conditions.				
Relevant Road Manager	161(2)	Power to give a Regulator a written statement that explains the Road Manager's decision to consent to the grant of an authority subject to conditions which complies with section 172.				
Relevant Road Manager	162(1)	Power to ask the Regulator to impose stated vehicle conditions on an authority.				
Relevant Road Manager	167(2)(b)	Power to give the Regulator a Notice of Objection to the application under section 167 to a proposed replacement authority within the time specified.				
Relevant Road Manager	167(3)	Power to give written notice to the Regulator that the Road Manager gives or refuses consent.				

Relevant Road Manager	169(1)	Power to give consent to the grant of a mass or dimension authority for a trial period as set in that section.				
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Division 3 – Amendment, cancellation or suspension of mass or dimension authority granting by Commonwealth Gazette Notice

Entity power given to	Section of HVNL	Description	Delegation to the CEO / Date of Resolution	Sub-Delegation to Officers	Date of Sub-Delegation	Limitations and Conditions
Relevant Road Manager	174(1)	Power to be satisfied the use of heavy vehicles on a road under the Authority in the circumstances set out in section 174(1)(a) – (c).				
Relevant Road Manager	174(2)	Power to ask the Regulator about the matters stated in section 174(2)(a)(ia) – (iii) and (2)(b).				

Division 4 – Amendment, cancellation or suspension of mass or dimension authority granted by permit

Entity power given to	Section of HVNL	Description	Delegation to the CEO / Date of Resolution	Sub-Delegation to Officers	Date of Sub-Delegation	Limitations and Conditions
Relevant Road Manager	178(1)	Power to be satisfied the use of heavy vehicles on a road under the Authority will do the things stated in section 178(1)(a) –(c).				
Relevant Road Manager	178(2)	Power to ask the Regulator about the things stated in section 178(2)(a) and (b).				

CHAPTER 10 – SANCTIONS AND PROVISIONS ABOUT LIABILITY FOR OFFENCES

Part 10.1 – Formal warnings

Entity power given to	Section of HVNL	Description	Delegation to the CEO / Date of Resolution	Sub-Delegation to Officers	Date of Sub-Delegation	Limitations and Conditions
Person	590A(2)	Power to provide undertaking to the Regulator or an authorised officer (the promisee) in relation to a contravention or alleged contravention of the Law.				
Person	590C(1)	Power to at any time, with the written agreement of the promisee to withdraw the undertaking or change the undertaking.				

Part 10.4 – Provisions about liability

Entity power given to	Section of HVNL	Description	Delegation to the CEO / Date of Resolution	Sub-Delegation to Officers	Date of Sub-Delegation	Limitations and Conditions
Person	632(A)(4)	Power to introduce evidence of complying with this Law in a way that differs from the code but that provides a standard of safety or protection equivalent to or higher than the standard required in the code.				

CHAPTER 11 – REVIEWS AND APPEALS

Part 11.2 – Internal review

Entity power given to	Section of HVNL	Description	Delegation to the CEO / Date of Resolution	Sub-Delegation to Officers	Date of Sub-Delegation	Limitations and Conditions
Reviewer	664(2)	Power to conduct the review as set out in section 664(2).				
Reviewer	664(3)	Power to give an applicant a reasonable opportunity to make written or oral representations to the Reviewer.				
Reviewer	645(1)	Power to make a review decision.				
Reviewer	645(5)	Power to give the Regulator notice of a review decision stating the decision and the reasons for the decision.				
Road Manager	645(6)(ii)	Power to agree with the Regulator to a longer period for a review of a reviewable decision.				

[2019 09 12 - HVNL - Delegation Table]

Torres Strait Island Regional Council
Heavy Vehicle National Law (Queensland) ("HVNL")

Bruce Ranga
Chief Executive Officer
Torres Strait Island Regional Council

Position: Insert Position
Position Code: Insert Position Code

POWERS SUB-DELEGATED

Heavy Vehicle National Law (Queensland) ("HVNL")

CHAPTER 4 – VEHICLE OPERATIONS – MASS, DIMENSION AND LOADING

Part 4.5 – Exemptions for particular overmass or oversize vehicles

Division 3 – Exemptions by permit

Entity power given to	Section of HVNL	Description
Relevant Road Manager	124(1)(b)	Power to consent to the grant of an exemption.

Part 4.6 – Restricting access to roads by large vehicles that are not overmass or oversize vehicles

Division 3 – Authorisation by Commonwealth Gazette notice

Entity power given to	Section of HVNL	Description
Relevant Road Manager	139(1)(b)	Power to consent to a grant for an authorisation.

Division 4 – Authorisation by permit

Entity power given to	Section of HVNL	Description
Relevant Road Manager	145(1)(b)	Power to consent to a grant under this section.

Part 4.7 – Particular provision about mass or dimensions authority

Division 2 – Obtaining consent of a relevant road manager

Entity power given to	Section of HVNL	Description
Road Manager	156(1)	Power to decide to give consent within the time specified and agree to a longer period for providing consent.
Road Manager	156(2)(b)	Power to ask the Regulator for a longer period under subsection 156(1)(b) and power to consider a route assessment is necessary for deciding whether or not to give the consent under section 156(1).
Local Government Authority	156(2)(c)	Power to be consulted about a Road Manager's decision to grant consent to the grant of a mass or dimension authority.
Road Manager	156(3)	Power to decide not to give consent to the grant of a mass or dimension authority and power to be satisfied of the things stated in section 156(3)(a) and (b).
Relevant Road Manager	156(6)	Power to give the Regulator a written statement that explains the Road Manager's decision and complies with section 172.
Road Manager	158(4)(c)	Power to decide not to give the consent on the ground that the consent would be inoperative.

Road Manager	158(4)(d)	Power to decide to give the consent but the consent is inoperative without the other entity's approval.
Road Manager	159(2)	Power to notify the Regulator of the things stated in section 159(2)(a) and (b).
Relevant Road Manager	160(1)	Power to consent to the grant of a mass or dimension authority subject to the specified conditions.
Relevant Road Manager	160(2)(a)	Power to give the regulator a written statement that explains the road manager's decision to give consent to the grant of the authority, subject to the condition and complies with section 172.
Relevant Road Manager	161(1)	Power to consent to the grant of an authority subject to conditions.
Relevant Road Manager	161(2)	Power to give a Regulator a written statement that explains the Road Manager's decision to consent to the grant of an authority subject to conditions which complies with section 172.
Relevant Road Manager	162(1)	Power to ask the Regulator to impose stated vehicle conditions on an authority.
Relevant Road Manager	167(2)(b)	Power to give the Regulator a Notice of Objection to the application under section 167 to a proposed replacement authority within the time specified.
Relevant Road Manager	167(3)	Power to give written notice to the Regulator that the Road Manager gives or refuses consent.
Relevant Road Manager	169(1)	Power to give consent to the grant of a mass or dimension authority for a trial period as set in that section.

Division 3 – Amendment, cancellation or suspension of mass or dimension authority granting by Commonwealth Gazette Notice

Entity power given to	Section of HVNL	Description
Relevant Road Manager	174(1)	Power to be satisfied the use of heavy vehicles on a road under the Authority in the circumstances set out in section 174(1)(a) – (c).
Relevant Road Manager	174(2)	Power to ask the Regulator about the matters stated in section 174(2)(a)(ia) – (iii) and (2)(b).

Division 4 – Amendment, cancellation or suspension of mass or dimension authority granted by permit

Entity power given to	Section of HVNL	Description
Relevant Road Manager	178(1)	Power to be satisfied the use of heavy vehicles on a road under the Authority will do the things stated in section 178(1)(a) –(c).
Relevant Road Manager	178(2)	Power to ask the Regulator about the things stated in section 178(2)(a) and (b).

CHAPTER 10 – SANCTIONS AND PROVISIONS ABOUT LIABILITY FOR OFFENCES

Part 10.1 – Formal warnings

Entity power given to	Section of HVNL	Description
Person	590A(2)	Power to provide undertaking to the Regulator or an authorised officer (the promisee) in relation to a contravention or alleged contravention of the Law.
Person	590C(1)	Power to at any time, with the written agreement of the promisee to withdraw the undertaking or change the undertaking.

Part 10.4 – Provisions about liability

Entity power given to	Section of HVNL	Description
Person	632(A)(4)	Power to introduce evidence of complying with this Law in a way that differs from the code but that provides a standard of safety or protection equivalent to or higher than the standard required in the code.

CHAPTER 11 – REVIEWS AND APPEALS

Part 11.2 – Internal review

Entity power given to	Section of HVNL	Description
Reviewer	664(2)	Power to conduct the review as set out in section 664(2).
Reviewer	664(3)	Power to give an applicant a reasonable opportunity to make written or oral representations to the Reviewer.
Reviewer	645(1)	Power to make a review decision.
Reviewer	645(5)	Power to give the Regulator notice of a review decision stating the decision and the reasons for the decision.
Road Manager	645(6)(ii)	Power to agree with the Regulator to a longer period for a review of a reviewable decision.

LIMITATIONS TO THE EXERCISE OF POWER

7. Where Council in its budget or by resolution allocates an amount for the expenditure of Council funds in relation to a particular matter, in exercising delegated power in relation to that matter, the delegate will only commit Council to reasonably foreseeable expenditure up to the amount allocated.
8. The delegate will not exercise any delegated power in relation to a matter which, to the delegate's knowledge, adversely affects, or is likely to adversely affect, Council's relations with the public at large.
9. The delegate will not exercise any delegated power contrary to a resolution or other decision of Council (including a policy decision relating to the matter).
10. The delegate will not exercise any delegated power in a manner, or which has the foreseeable effect, of being contrary to an adopted Council policy or procedure.
11. The delegate will only exercise a delegated power under this resolution in a manner which complies with the requirements of Council's Planning Scheme, and any exercise of power which involves a departure from or variation of those requirements will only be undertaken by Council.
12. The delegate will not exercise any delegated power which cannot lawfully be the subject of delegation by Council.

[2019 09 12 - HVNL - Sub-Delegation Instrument]

Conditions imposed on all Delegations

1. Delegated powers must be read in the context of other powers and subject to conditions stipulated therein;
2. Delegated powers must be exercised consistently with the provisions of Local Government Acts or Regulations, Council Policies and Procedure, Local Laws and Subordinate Local Laws;
3. Any decisions must be made within the financial delegation of the delegate;
4. The delegate shall not give Council opinions and if opinions are to be provided, may only provide personal opinions of the delegate, not in an official capacity as an employee of the Council;
5. Delegated powers only apply to the delegate to the extent that they relate to a delegate's scope of duties as particularised in the Position Description pertaining to that delegate, or as otherwise approved in writing by the CEO or by Council Policy;
6. A delegate may not sub-delegate a power provided for in this Register to a subordinate staff member without the express written consent of the Chief Executive Officer or under a Policy or Procedure adopted by Council;
7. Any power that is not delegable under a Local Government Act or Regulation, shall not be delegable under this instrument;
8. All delegations are subject to conditions imposed in the original delegation to CEO contained in the Instrument of Delegations of Local Government;

9. Whilst exercising a power, the delegate may take into account Ailan Kastom (section 9(3) LGA 2009); and
10. All Powers delegated to the Chief Executive Officer in this Instrument shall be subject to prior Council consultation where exercise of such Power in all reasonable likelihood shall:
 -
 - a. impact on land and/or sea; and/or
 - b. involve payment of compensation regarding land; and/or
 - c. require a budget amendment.

INSTRUMENT OF DELEGATION

Torres Strait Island Regional Council

Heavy Vehicle (Mass, Dimension and Loading) National Regulation ("HVNR")

Under section 257 of the *Local Government Act 2009*, Torres Strait Island Regional Council resolves to delegate the exercise of the powers contained in Schedule 1 to the Chief Executive Officer.

These powers must be exercised subject to the limitations contained in Schedule 2.

All prior resolutions delegating the same powers to the Chief Executive Officer are repealed.

Heavy Vehicle (Mass, Dimension and Loading) National Regulation ("HVNR")**Part 2 – Mass requirements****Division 3 – Additional provisions relating to a higher mass limits****Subdivision 1 – HML declarations**

Entity power given to	Section of HVNR	Description
Relevant Road Manager	13(1)(b)	Power to consent to the making of the declaration.
Relevant Road Manager	13(3)	Power to consent to the declarations subject to conditions.
Relevant Road Manager	13(4)	Power to give the Regulator written reasons for the Road Manager's decision to give consent to the making of the declaration subject to the conditions.
Relevant Road Manager	18(1)	Power to be satisfied of the matters stated in section 18(1)(a) to (c).
Road Manager	18(2)(a)	In certain circumstances, power to ask the Regulator to amend the declaration.
Road Manager	18(2)(b)	In certain circumstances, power to ask the Regulator to cancel a declaration.

Subdivision 2 – HML permits

Entity power given to	Section of HVNR	Description
Relevant Road Manager	24(1)(a)	Power to require road conditions or travel conditions be imposed for a HML permit.
Relevant Road Manager	29(4)(c)	Power to be consulted by the Regulator about giving consent to an amendment of a HML permit and power to consent to an amendment of the HML permit.
Relevant Road Manager	31(1)	Power to be satisfied of the matters stated in section 31(1)(a) to (c).
Relevant Road Manager	31(2)(a)	Power to ask the Regulator to amend the HML permit in certain circumstances.
Relevant Road Manager	31(2)(b)	In certain circumstances, power to ask the Regulator to cancel a HML permit.

Part 5 – Exemptions for particular overmass or oversize vehicles**Division 2 – Declaration of areas, roads and routes and major roads**

Entity power given to	Section of HVNR	Description
Relevant Road Manager	41(1)	Power to consent to a declaration made under section 40.

LIMITATIONS TO THE EXERCISE OF POWER

1. Where Council in its budget or by resolution allocates an amount for the expenditure of Council funds in relation to a particular matter, in exercising delegated power in relation to that matter, the delegate will only commit Council to reasonably foreseeable expenditure up to the amount allocated.
2. The delegate will not exercise any delegated power in relation to a matter which, to the delegate's knowledge, adversely affects, or is likely to adversely affect, Council's relations with the public at large.
3. The delegate will not exercise any delegated power contrary to a resolution or other decision of Council (including a policy decision relating to the matter).
4. The delegate will not exercise any delegated power in a manner, or which has the foreseeable effect, of being contrary to an adopted Council policy or procedure.
5. The delegate will only exercise a delegated power under this resolution in a manner which complies with the requirements of Council's Planning Scheme, and any exercise of power which involves a departure from or variation of those requirements will only be undertaken by Council.
6. The delegate will not exercise any delegated power which cannot lawfully be the subject of delegation by Council.

[2018 07 01 - HVNR - Delegation Instrument]

Conditions imposed on all Delegations

1. Delegated powers must be read in the context of other powers and subject to conditions stipulated therein;
2. Delegated powers must be exercised consistently with the provisions of Local Government Acts or Regulations, Council Policies and Procedure, Local Laws and Subordinate Local Laws;
3. Any decisions must be made within the financial delegation of the delegate;
4. The delegate shall not give Council opinions and if opinions are to be provided, may only provide personal opinions of the delegate, not in an official capacity as an employee of the Council;
5. Delegated powers only apply to the delegate to the extent that they relate to a delegate's scope of duties as particularised in the Position Description pertaining to that delegate, or as otherwise approved in writing by the CEO or by Council Policy;
6. A delegate may not sub-delegate a power provided for in this Register to a subordinate staff member without the express written consent of the Chief Executive Officer or under a Policy or Procedure adopted by Council;
7. Any power that is not delegable under a Local Government Act or Regulation, shall not be delegable under this instrument;
8. All delegations are subject to conditions imposed in the original delegation to CEO contained in the Instrument of Delegations of Local Government;

9. Whilst exercising a power, the delegate may take into account Ailan Kastom (section 9(3) LGA 2009); and
10. All Powers delegated to the Chief Executive Officer in this Instrument shall be subject to prior Council consultation where exercise of such Power in all reasonable likelihood shall:
 -
 - a. impact on land and/or sea; and/or
 - b. involve payment of compensation regarding land; and/or
 - c. require a budget amendment.

DELEGABLE POWERS UNDER THE HEAVY VEHICLE (MASS, DIMENSION AND LOADING) NATIONAL REGULATION ("HVNR")

Part 2 – Mass requirements

Division 3 – Additional provisions relating to a higher mass limits

Subdivision 1 – HML declarations

Entity power given to	Section of HVNR	Description	Delegation to the CEO / Date of Resolution	Sub-Delegation to Officers	Date of Sub-Delegation	Limitations and Conditions
Relevant Road Manager	13(1)(b)	Power to consent to the making of the declaration.				
Relevant Road Manager	13(3)	Power to consent to the declarations subject to conditions.				
Relevant Road Manager	13(4)	Power to give the Regulator written reasons for the Road Manager's decision to give consent to the making of the declaration subject to the conditions.				
Relevant Road Manager	18(1)	Power to be satisfied of the matters stated in section 18(1)(a) to (c).				
Road Manager	18(2)(a)	In certain circumstances, power to ask the Regulator to amend the declaration.				
Road Manager	18(2)(b)	In certain circumstances, power to ask the Regulator to cancel a declaration.				

Subdivision 2 – HML permits

Entity power given to	Section of HVNR	Description	Delegation to the CEO / Date of Resolution	Sub-Delegation to Officers	Date of Sub-Delegation	Limitations and Conditions
Relevant Road Manager	24(1)(a)	Power to require road conditions or travel conditions be imposed for a HML permit.				
Relevant Road Manager	29(4)(c)	Power to be consulted by the Regulator about giving consent to an amendment of a HML permit and power to consent to an amendment of the HML permit.				
Relevant Road Manager	31(1)	Power to be satisfied of the matters stated in section 31(1)(a) to (c).				
Relevant Road Manager	31(2)(a)	Power to ask the Regulator to amend the HML permit in certain circumstances.				
Relevant Road Manager	31(2)(b)	In certain circumstances, power to ask the Regulator to cancel a HML permit.				

Part 5 – Exemptions for particular overmass or oversize vehicles

Division 2 – Declaration of areas, roads and routes and major roads

Entity power given to	Section of HVNR	Description	Delegation to the CEO / Date of Resolution	Sub-Delegation to Officers	Date of Sub-Delegation	Limitations and Conditions
Relevant Road Manager	41(1)	Power to consent to a declaration made under section 40.				

[2018 07 01 - HVNR - Delegation Table]

INSTRUMENT OF SUB-DELEGATION

Torres Strait Island Regional Council

Under section 259 of the *Local Government Act 2009*, I, **Bruce Ranga**, Chief Executive Officer of **Torres Strait Island Regional Council**, delegate to those positions which are specified in Schedule 1, the exercise of the powers contained in Schedule 2.

These powers must be exercised subject to the limitations contained in Schedule 3.

This Instrument of Sub-Delegation repeals all prior Instruments sub-delegating to the positions specified in Schedule 1 the exercise of the powers contained in Schedule 2.

My authority to make these sub-delegations is conferred by the *Local Government Act 2009* and the resolution of **Torres Strait Island Regional Council** made on **Insert date** to delegate those powers to the Chief Executive Officer.

DATED this day of 2020.

Bruce Ranga
Chief Executive Officer
Torres Strait Island Regional Council

Position: Insert Position
Position Code: Insert Position Code

POWERS SUB-DELEGATED

Heavy Vehicle (Mass, Dimension and Loading) National Regulation ("HVNR")

Part 2 – Mass requirements

Division 3 – Additional provisions relating to a higher mass limits

Subdivision 1 – HML declarations

Entity power given to	Section of HVNR	Description
Relevant Road Manager	13(1)(b)	Power to consent to the making of the declaration.
Relevant Road Manager	13(3)	Power to consent to the declarations subject to conditions.
Relevant Road Manager	13(4)	Power to give the Regulator written reasons for the Road Manager's decision to give consent to the making of the declaration subject to the conditions.
Relevant Road Manager	18(1)	Power to be satisfied of the matters stated in section 18(1)(a) to (c).
Road Manager	18(2)(a)	In certain circumstances, power to ask the Regulator to amend the declaration.
Road Manager	18(2)(b)	In certain circumstances, power to ask the Regulator to cancel a declaration.

Subdivision 2 – HML permits

Entity power given to	Section of HVNR	Description
Relevant Road Manager	24(1)(a)	Power to require road conditions or travel conditions be imposed for a HML permit.
Relevant Road Manager	29(4)(c)	Power to be consulted by the Regulator about giving consent to an amendment of a HML permit and power to consent to an amendment of the HML permit.
Relevant Road Manager	31(1)	Power to be satisfied of the matters stated in section 31(1)(a) to (c).
Relevant Road Manager	31(2)(a)	Power to ask the Regulator to amend the HML permit in certain circumstances.
Relevant Road Manager	31(2)(b)	In certain circumstances, power to ask the Regulator to cancel a HML permit.

Part 5 – Exemptions for particular overmass or oversize vehicles

Division 2 – Declaration of areas, roads and routes and major roads

Entity power given to	Section of HVNR	Description
Relevant Road Manager	41(1)	Power to consent to a declaration made under section 40.

LIMITATIONS TO THE EXERCISE OF POWER

7. Where Council in its budget or by resolution allocates an amount for the expenditure of Council funds in relation to a particular matter, in exercising delegated power in relation to that matter, the delegate will only commit Council to reasonably foreseeable expenditure up to the amount allocated.
8. The delegate will not exercise any delegated power in relation to a matter which, to the delegate's knowledge, adversely affects, or is likely to adversely affect, Council's relations with the public at large.
9. The delegate will not exercise any delegated power contrary to a resolution or other decision of Council (including a policy decision relating to the matter).
10. The delegate will not exercise any delegated power in a manner, or which has the foreseeable effect, of being contrary to an adopted Council policy or procedure.
11. The delegate will only exercise a delegated power under this resolution in a manner which complies with the requirements of Council's Planning Scheme, and any exercise of power which involves a departure from or variation of those requirements will only be undertaken by Council.
12. The delegate will not exercise any delegated power which cannot lawfully be the subject of delegation by Council.

[2018 07 01 - HVNR - Sub-Delegation Instrument]

Conditions imposed on all Delegations

1. Delegated powers must be read in the context of other powers and subject to conditions stipulated therein;
2. Delegated powers must be exercised consistently with the provisions of Local Government Acts or Regulations, Council Policies and Procedure, Local Laws and Subordinate Local Laws;
3. Any decisions must be made within the financial delegation of the delegate;
4. The delegate shall not give Council opinions and if opinions are to be provided, may only provide personal opinions of the delegate, not in an official capacity as an employee of the Council;
5. Delegated powers only apply to the delegate to the extent that they relate to a delegate's scope of duties as particularised in the Position Description pertaining to that delegate, or as otherwise approved in writing by the CEO or by Council Policy;
6. A delegate may not sub-delegate a power provided for in this Register to a subordinate staff member without the express written consent of the Chief Executive Officer or under a Policy or Procedure adopted by Council;
7. Any power that is not delegable under a Local Government Act or Regulation, shall not be delegable under this instrument;
8. All delegations are subject to conditions imposed in the original delegation to CEO contained in the Instrument of Delegations of Local Government;

9. Whilst exercising a power, the delegate may take into account Ailan Kastom (section 9(3) LGA 2009); and
10. All Powers delegated to the Chief Executive Officer in this Instrument shall be subject to prior Council consultation where exercise of such Power in all reasonable likelihood shall:
 -
 - a. impact on land and/or sea; and/or
 - b. involve payment of compensation regarding land; and/or
 - c. require a budget amendment.

INSTRUMENT OF DELEGATION

Torres Strait Island Regional Council ***Land Act 1994 ("LANA")***

Under section 257 of the *Local Government Act 2009*, Torres Strait Island Regional Council resolves to delegate the exercise of the powers contained in Schedule 1 to the Chief Executive Officer.

These powers must be exercised subject to the limitations contained in Schedule 2.

All prior resolutions delegating the same powers to the Chief Executive Officer are repealed.

Land Act 1994 ("LANA")**CHAPTER 1 – PRELIMINARY****Part 4 – Tidal and non-tidal boundaries and associated matters**

Entity power given to	Section of LANA	Description
Registered Owner	12(3)	Power to suitably indicate where the boundaries of land are across a surface of water.
Registered Owner	12(4)	Power to regulate or prohibit the use or movement of ships in or over water above inundated land.
Owner who may take water under the <i>Water Act 2000</i> , section 96	13A(4)	Power to, in certain circumstances: (a) exercise a right of access for the owner, the owner's family, executive officers, employees, agents and stock over the adjacent area of the watercourse or lake that is the property of the State that adjoins the owner's land; and (b) exercise a right of grazing for the person's stock over the adjacent area; and (c) bring an action against a person who trespasses on the adjacent area.
Adjacent Owner	13AC(1)(a)	In certain circumstances, power to consent to the dedication of a reserve.
Applicant	13B(1)	In certain circumstances, power to apply to the Chief Executive to have watercourse land adjoining the relevant land's non-tidal boundary declared to be former watercourse land.
Applicant	13B(2)	Power to give notice of a person's intention to make the application.
Applicant	13B(6)	Power to appeal against the refusal of the application.

CHAPTER 2 – LAND ALLOCATION**Part 1 – Allocation powers**

Entity power given to	Section of LANA	Description
Registered Owner	18(1)	Power to reach agreement with the Governor in Council to grant unallocated State land in exchange for all or part of freehold land.
Lessee of a freeholding lease	18(2)	Power to reach agreement with the Governor in Council to grant a freeholding lease in exchange for all or part of a freeholding lease.
Lessee of a term lease	18(3)	Power to enter into agreement with the Minister to lease unallocated State land.

Part 2 – Reservations

Entity power given to	Section of LANA	Description
Person	23A(1)	Power to apply to Chief Executive for the allocation of a floating reservation.
Person	23A(6)	Power to appeal against a Chief Executive's decision.
Registered owner or lessee	24(3)	Power to apply to the Minister to buy the land.
Registered owner or lessee	25(2)	Power to appeal against the unimproved value of land.
Registered owner or Trustee	26(2)	In certain circumstances, power to agree with the Minister in respect to the specified matters when the Minister is deciding the boundaries of land being resumed.
Lessee, registered owner or trustee	26(4)	Power to appeal against the Minister's decision on the boundaries.
Lessee or registered owner	26B(8)	Power to appeal against the value decided by the Minister for the commercial timber.

CHAPTER 3 – RESERVES, DEEDS OF GRANT IN TRUST AND ROADS

Part 1 – Reserves and deeds of grant in trust

Division 2 – Reserves

Entity power given to	Section of LANA	Description
Any Person	31C(1)	Power to apply to the Minister for the dedication of a reserve.
Any Person	31C(2)	Power to give notice of the person's intention to make the application to: <ul style="list-style-type: none"> (a) if the person is not the proposed trustee of the reserve - the proposed trustee; and (b) each person with a registered interest in the unallocated State land over which a reserve is proposed to be dedicated.
Any Person	31C(3)	Power to give notice to any other person that the person considers has an interest in the unallocated State land over which the reserve is proposed to be dedicated.
Trustee of a reserve	31D(1)	Power to apply to the Minister: <ul style="list-style-type: none"> (a) to change the boundaries of the reserve; or (b) to change the purpose for which the reserve is dedicated.
Trustee of a reserve	31D(2)	Power to give notice of the trustee's intention to make the application to each person with a registered interest in the reserve.
Trustee of a reserve	31D(3)	Power to give notice to any other person the trustee considers: <ul style="list-style-type: none"> (a) has an interest in the reserve; or (b) would have an interest in the reserve if the boundaries of the reserve or the purpose for which the reserve is dedicated were changed.
Any Person	34(1)	Power to apply for the revocation of the dedication of all or part of a reserve.

Any Person	34(2)	Power to give notice of the person's intention to make the application to: (a) if the person is not the trustee of the reserve - the trustee of the reserve; and (b) each person with a registered interest in the reserve.
Any Person	34(3)	Power to give notice to any other person that the person considers has an interest in the reserve.
Local Government	34H(1)	Power to apply, in writing to the Chief Executive, to remove improvements from a revoked reserve.
Trustee of an operational reserve	34I(1)	In certain circumstances, power to apply for the issue of a deed of grant over a reserve.
Trustee of an operational reserve	34I(3)	Power to give notice of the trustee's intention to make the application to each person with a registered interest in the reserve.
Trustee of an operational reserve	34I(4)	Power to give notice to any other person the trustee considers has an interest in the reserve.

Division 3 – Deeds of grant in trust

Entity power given to	Section of LANA	Description
Trustee of deed of grant in trust	38A(1)	Power to apply: (a) for an additional community purpose to be notified; or (b) to amalgamate land with common purposes.
Any Person	38A(2)	Power to apply for the cancellation of a deed of grant in trust.
Applicant	38A(3)	Power to give notice of the applicant's intention to apply to each of the following: (a) the trustee of the deed of grant in trust, other than the applicant (b) each person with a registered interest in the trust land.
Applicant	38A(4)	Power to give notice to any other person the applicant considers has an interest in the trust land.
Owner of improvements on a deed of grant in trust that has been cancelled	38G(1)	Power to apply, in writing to the Chief Executive, to remove the owner's improvements on a deed of grant in trust.

Division 5 – Appointments, functions and removal of trustees

Entity power given to	Section of LANA	Description
Proposed trustee	44(4)	Power to provide written acceptance of appointment as trustee.
Trustee	48(1)(a)	Power to apply for the approval of a management plan for the trust land.
Trustee	49	In certain circumstances, power to: (a) allow the auditor general, a person mentioned in section 47(1)(a) to (d), or a person authorised by the Chief Executive of a Department, to audit the trust's financial accounts; and

		(b) help the conduct of the audit, including a disclosure of the financial institution accounts necessary for the audit.
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Division 6 – Powers of trustee

Entity power given to	Section of LANA	Description
Trustee	52(1)	Power to take all action necessary for the maintenance and management of the trust land.
Trustee of trust land	52(5)	Power to apply for the approval of an action that is inconsistent with the purpose for which the reserve was dedicated or the land was granted in trust (<i>inconsistent action</i>).
Trustee	55(1)	Power to surrender all or part of a deed of grant in trust: (a) on terms agreed to between the Minister and the trustee; and (b) with the Minister's written approval.
Trustee of a deed of grant in trust	55A(1)	Power to apply to surrender all or part of a deed of grant in trust.
Trustee of a deed of grant in trust	55A(2)	Power to give notice of the trustee's intention to apply to each person with a registered interest in the deed of grant in trust.
Trustee of a deed of grant in trust	55A(3)	Power to give notice to any other person the trustee considers has an interest in the deed of grant in trust.
Owner of improvements on a deed of grant in trust that has been surrendered	55H(1)	Power to apply, in writing to the Chief Executive, to remove the owner's improvements on a surrendered deed of grant in trust.
Trustee Lessee	58(7)	Power to appeal against a decision by the Minister or Chief Executive under section 58(6)

Division 7 – Trustee leases and trustee permits

Entity power given to	Section of LANA	Description
Trustee	66(1)	In certain circumstances, power to allow a trustee lessee or trustee permittee to remove the trustee lessee's or trustee permittee's improvements on the land within a reasonable time stated by the trustee.

Division 10 – Cemeteries

Entity power given to	Section of LANA	Description
Local Government	82	Power to: (a) agree to have the trusteeship of a cemetery transferred; and (b) agree to conditions of the transfer of trusteeship.

Division 11 – Other grants for public purposes

Entity power given to	Section of LANA	Description
Trustee of land granted for an estate in fee simple for some community, public or similar purpose	84(1)	In certain circumstances, power to apply to the Minister to surrender land to the State and for the issue of a deed in grant in trust under the <i>Land Act 1994</i> for a community or public purpose.

Part 2 –

Roads

Division 1 – Dedicating and opening roads

Entity power given to	Section of LANA	Description
Person	94(2)	Power to apply for the dedication of a road for public use.

Division 2 – Closing roads

Entity power given to	Section of LANA	Description
Public Utility Provider or Adjoining Owner for the road	99(1)	Power to apply for the permanent closure of a road.
Adjoining Owner for the road or, in certain circumstances, another person	99(3)	In certain circumstances, power to apply to the Minister for the temporary closure of a road.
Adjoining Owner	99(4)	Power to ask for the road, on its closure, to be amalgamated with the adjoining owner's adjoining land.
Adjoining Owner for the road	99(6)	In certain circumstances, power to ask in the application that, on the closure of the road, the road, the adjoining land and the other land be amalgamated.

Division 4 – Permanently closed roads

Entity power given to	Section of LANA	Description
Registered Owner	109A(1)	In certain circumstances, power to apply for the simultaneous opening and closure of roads.
Registered Owner	109A(3)	Power to appeal against any conditions the Minister imposes under section 420I.
Trustee or Lessee	109B(1)	In certain circumstances, power to apply for the simultaneous opening and closure of roads.
Trustee	109B(4)	Power to appeal against any conditions the Minister imposes under section 420I.

CHAPTER 4 – LAND HOLDINGS

Part 1 – Making land available

Entity power given to	Section of LANA	Description
Any Person	120A(1)	Power to apply for an interest in land without competition.
Proposed Lessee	136(5)	Power to enter into a land management agreement.
Buyer or previous Lessee	140(1)	Power to negotiate the provisional value (negotiated value).
Buyer or previous Lessee	140(2)	Power to give written agreement to the negotiated value becoming the amount to be paid for the improvements.
Buyer or previous Lessee	140(4)	Power to make application to the Court to decide the value.

Part 3 – Leases

Entity power given to	Section of LANA	Description
Lessee	154(1)	Power to apply to the Minister for a lease to be used for additional or fewer purposes.
Lessee	155A(2)	Power to apply to extend a lease.
Lessee	155B(2)	Power to apply to extend a lease.
Lessee	155BA(2)	Power to apply to extend a lease.
Lessee	155DA(4)	Power to make written submissions to the Minister.
Lessee of term lease	158(1)	Power to apply for an offer of a new lease unless the condition of the lease or the <i>Land Act 1994</i> prohibits a renewal.
Applicant	160(3)	Power to appeal against the Chief Executive's decision to refuse the renewal application if the only reason for the refusal was that the applicant had not fulfilled the conditions of the lease.
Lessee	164C(1)	Power to make an extension application.
Lessee	164C(7)	Power to appeal against the Minister's decision.
Lessee	164H(1)(b)	Power to advise the Chief Executive and agree to the lease becoming a rolling term lease.
Lessee	166(1)	Power to make a conversion application.
Applicant	168(5)	Power to appeal against the Chief Executive's decision to refuse the conversion application if the only reason for the refusal is that the applicant had not fulfilled the conditions of the lease.
Lessee	169(a)	Power to enter into a conservation agreement.
Lessee	169(b)(i)	Power to enter into a forest consent agreement in relation to the land.
Lessee	176(1)	Power to apply for approval to subdivide a lease.
Applicant	176E	In certain circumstances, power to appeal against a decision.
Lessee of two or more leases	176K(1)	In certain circumstances, power to apply for approval to amalgamate existing leases.
Applicant	176Q	In certain circumstances, power to appeal against a decision that is given to an Applicant.
Lessee	176UA(2)	Power to enter into a land management agreement.

Lessee	176XA	Power to agree with the Minister to cancel the land management agreement registered on a lease.
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Part 4 – Permits to occupy particular land

Entity power given to	Section of LANA	Description
Any Person	177A(1)	Power to apply for a permit to occupy unallocated State land, a reserve or road.
Any Person	177A(2)	Power to give notice of the person's intention to apply to the following and to any other entity with a registered interest in the proposed permit land: (a) for a permit for a reserve – the trustee of the reserve; or (b) for a permit for a State-controlled road – the Chief Executive of the department in which the <i>Transport Infrastructure Act 1994</i> is administered.
Registered Owner	179(2)	In certain circumstances, power to agree with an applicant for a permit on conditions about the maintenance of a boundary fence.
Permittee	180(2)	Power to surrender a permit: (a) on terms agreed between the Chief Executive Officer and the permittee; and (b) with the Chief Executive's written approval.
Relevant entity for a permit	180A(1)	Power to apply to cancel a permit.
Relevant entity for a permit	180A(2)	Power to give notice of the entity's intention to apply to: (a) the permittee; and (b) any other entity with a registered interest in the permit land.
Relevant entity for a permit	180A(4)	Power to give notice to any other entity the relevant entity considers has an interest in the permit land.
Permittee	180A(5)	Power to apply to surrender a permit.
Permittee	180H(1)	Power to apply to the Chief Executive to remove improvements on permit land.

CHAPTER 5 – MATTERS AFFECTING LAND HOLDINGS

Part 2 – Conditions

Division 3 – Changing and reviewing imposed conditions

Entity power given to	Section of LANA	Description
Lessee or Licensee or permittee	210(1)	Power to agree to a change of an imposed condition of the lease, licence or permit.
Lessee or Licensee or permittee	210(2)	Power to apply to change conditions of a lease, licence or permit under section 210(1).
Lessee	212(1)	Power to agree to change an imposed condition about the protection and sustainability of lease land.
Lessee	212(3)	In certain circumstances, power to appeal against a decision.

Division 3A – Regulated conditions

Entity power given to	Section of LANA	Description
Lessee of a lease	212B(5)	Power to agree with the designated officer for the lease about matters stated in section 212B(5)(a) and (b).

Division 5 – Remedial action

Entity power given to	Section of LANA	Description
Lessee	214(3)	Power to enter into an amended or a new land management agreement upon receipt of a remedial action notice.
Lessee or Licensee	214A(4)	Power to make written submissions to the Minister in response to a warning notice.
Lessee	214F(3)	Power to appeal against a decision.

Part 3 – Resumption and compensation

Division 2 – Resumption of a lease under a condition of the lease

Entity power given to	Section of LANA	Description
Lessee	226(5)	Power to appeal against the Minister's decision.

Division 3 – Resumption of a reservation for a public purpose

Entity power given to	Section of LANA	Description
Owner of the improvement	232(5)	Power to appeal against the Minister's decision.

Part 4 – Forfeiture

Division 2A – Forfeiture of leases by referral to court or for fraud

Entity power given to	Section of LANA	Description
Relevant local government	239(4)	Power to appeal against a decision under subsection (2)(b)(iv) to allow an entity other than the relevant local government to sell the lease.

Division 3A – Sale of lease instead of forfeiture

Entity power given to	Section of LANA	Description
Lessee	240E(1)	Power to apply, in writing, to the Chief Executive for permission to sell the lease.
Relevant Local Government	240G(1)	Power to apply to the Chief Executive for approval to sell a lease.
Local Government	240I(3)	Power to start the process of selling a lease under this subdivision within the required period stated in the notice under section 240H(2).
Local Government	240I(4)	Power to set a reserve price for the sale of the lease by auction, or a price for the sale of the lease under an agreement, that is

		at least the total of all charges owing to the State under the Land Act 1994 relating to the lease.
Lessee of a forfeited lease	243(1A)	Power to apply to remove the lessee's improvements on the lease.

CHAPTER 6 – REGISTRATION AND DEALINGS

Part 3 – Documents

Division 2 – Documents forming part of standard terms documents

Entity power given to	Section of LANA	Description
Person	321(1)	Power to ask the Chief Executive to withdraw a registered standard terms document.

Part 4 – Dealings affecting land

Division 1 – Transfers

Entity power given to	Section of LANA	Description
Lessee or Licensee or the holder of a sublease	322(3)	Power to apply for approval to transfer a lease, licence or sublease.
Transferor	322(8)	Power to appeal against the Chief Executive's decision.

Division 2 – Surrender

Entity power given to	Section of LANA	Description
Registered Owner	327	Power to agree to terms of the absolute surrender of freehold land.
Lessee	327A	Power to agree to terms of the absolute or conditional surrender of all or part of a lease.
Registered Owner of freehold land	327B	Power to apply, in writing to the Chief Executive, to surrender freehold land.
Lessee	327C(1)	Power to apply, in writing to the Chief Executive, to surrender all or part of a lease.
Lessee	327C(2)	Power to give notice of the lessee's intention to apply to any other person with a registered interest in the lease.
Lessee	327C(3)	Power to give notice to any other person the lessee considers has an interest in the lease.
Owner of improvements on a lease that has been surrendered	327I(1)	Power to apply, in writing to the Chief Executive, to remove improvements on surrendered lease.
Any grantee of an easement or profit a prendre	330(c)	Power to give written approval to the surrender where the grantee's interests will be adversely affected.

Division 3 – Subleases

Entity power given to	Section of LANA	Description
Person	332(1)(a)(i)	The power to seek the Minister's written approval to the sublease.
Lessee	332(7)	Power to appeal against a Minister's decision.
Sublessor	339(1)	Power to lodge a request for the Chief Executive to register the re-entry.

Division 3A – Process for resolving disputes under particular subleases

Subdivision 2 – Notice of dispute

Entity power given to	Section of LANA	Description
Party to a sublease	339F(1)	Power to give another party to the sublease a written notice of dispute.
Responder	339G(1)	Power to give a notifier of a sublease dispute a written response to the dispute notice within the specified time.
Party to a sublease	339H(2)	Power to agree not to attempt to resolve the dispute by mediation and to submit the dispute to arbitration.

Subdivision 3 – Mediation

Entity power given to	Section of LANA	Description
Party to a sublease	339I(1)	Power to jointly appoint a mediator to mediate the dispute.
Party to a sublease	339I(2)	Power to request a prescribed dispute resolution entity appoint a mediator.
Party to a sublease	339J(1)	Power to agree to a time for mediation
Party to a sublease	339J(2)	Power to request the mediator to set a time for the mediation.
Party to a sublease	339J(4)	Power to appoint an agent to represent the Local Government at a mediation.

Subdivision 4 – Arbitration

Entity power given to	Section of LANA	Description
Party to a sublease	339O(1)	Power to appoint a single arbitrator to decide the dispute
Party to a sublease	339O(2)	Power to request a prescribed dispute resolution entity to appoint a single arbitrator to decide the dispute
Party to a sublease	339R(2)	Power to request an appointed expert participate in a hearing.
Party to a sublease	339U(3)(a)	Power to agree on how the costs of arbitration will be paid.

Division 7 – Correcting and changing deeds of grant and leases

Entity power given to	Section of LANA	Description
Registered owner or Trustee	358(1)	In certain circumstances, power to surrender land contained in a deed of grant or trustee's deed of grant in trust.

Registered owner or Trustee	358(2)	In certain circumstances, power to surrender land contained in a deed of grant or trustee's deed of grant in trust with the Minister's written approval.
Lessee or a person acting for the lessee	360C(1)	In certain circumstances, power to apply to amend the description in a freeholding lease if the description of the lease may be amended under section 360(1)(a) or (d).
Lessee or a person acting for the lessee	360C(2)	Power to apply to amend the description in a term lease or perpetual lease, other than a State lease, if the description of the lease may be amended under section 360A(2)(a), (b) or (c).
Lessee or a person acting for the lessee	360C(3)	Power to apply to amend the description in a State lease if the description of the lease may be amended under section 360B(1)(a), (b), (c) or (d).
Applicant	360D(2)	Power to give notice of the applicant's intention to apply to any other person with a registered interest in the lease land.
Applicant	360D(3)	Power to give notice to any other person the applicant considers has an interest in the lease.

Division 8 – Easements

Entity power given to	Section of LANA	Description
Trustee	368(2)(a)	In certain circumstances, power to ask the Chief Executive to extinguish an easement.
Owner of land or public utility provider	371(2)	In certain circumstances, power to sign a document of surrender
Person who has a registered interest in the land	371(3)	Power to agree to surrender an easement.
Person	372(2)	Power to apply for the Minister's written approval to continue a public utility easement over unallocated state land.
Person	372(3)	Power to apply for the Minister's written approval to continue a public utility easement over a reserve.

Division 8A – Covenants

Entity power given to	Section of LANA	Description
Local Government as Covenantee	373A(1)	Power to make certain non-freehold land the subject of a covenant.
The trustee of trust land, the lessee of lease land or the sublessee of subleased land.	373A(2)	Power to consent to a document creating a covenant.
Person	373B(1)(a)	Power to sign a document creating a covenant.
Person	373C(2)(a)	Power to sign a document amending the covenant.
Covenantee	373D(2)	Power to sign a document releasing the covenant.

Division 8B – Profits a prendre

Entity power given to	Section of LANA	Description
Lessee	373L(a)	Power to ask the Chief Executive to extinguish the profit a prendre.

Division 11A – Caveats

Entity power given to	Section of LANA	Description
Caveatee	389H(1)	Power to apply to the Supreme Court for an order that a caveat lodged under this division be removed.

CHAPTER 7 – GENERAL

Part 2 – Unlawful occupation of non-freehold and trust land

Division 3 – Action by lessee, licensee, permittee or trustee

Entity power given to	Section of LANA	Description
Trustee or Lessee or Licensee or Permittee	415(1)	In certain circumstances, power to start a proceeding in the Magistrates Court.

Division 4 – Court matters

Entity power given to	Section of LANA	Description
Party	420	Power to appeal to the District Court on a question of law if dissatisfied with a trespass order.

Part 2A – General provisions for applications

Entity power given to	Section of LANA	Description
Entity	420CB(1)	Power to make a submission against the proposed application to: (a) the person who gave the entity the notice; or (b) the Chief Executive.

Part 3 – Review of decisions and appeals

Division 2 – Internal review of decisions

Entity power given to	Section of LANA	Description
Person who has a right of appeal against an original decision	423	Power to apply to the Minister for a review of the decision.
Applicant	425(1)	Power to apply for a stay of the decision to the Court.

Division 3 – Appeals

Entity power given to	Section of LANA	Description
A person who has applied for the review of a decision under division 2	427	Power to appeal to the Court if dissatisfied with the review decision.

Part 3B – Making land available for public use as beach

Entity power given to	Section of LANA	Description
Local Government	431V(3)	Power to consult with the owner of the lot.
Manager	431W(6)(a)	Power to authorise an officer or employee of the manager of a declared beach area, to enter the area at any time without notice to any other person.
Manager	431X(1)(b)(ii)	Power to authorise or direct a person acting in the performance of functions or powers.

Part 4 – Miscellaneous

Entity power given to	Section of LANA	Description
Offeree	442(4)	In certain circumstances, power to apply to the person who made the offer to extend the time stated in the offer or that otherwise applies under subsection (1).
Offeror	442(9)	Power to amend the offer by changing the price or premium to a price or premium decided by the offeror in the way prescribed by regulation.

CHAPTER 8 – CONTINUED RIGHTS AND TENURES

Part 5 – Licences and permits

Division 1 – Occupation licences

Entity power given to	Section of LANA	Description
Licensee	481A	Power to surrender, absolutely, all or part of an occupation licence: (a) on terms agreed to between the Minister and the licensee; (b) and with the Minister's written approval.
Public Utility Provider (an applicant)	481B(1)	Power to apply to cancel all or part of an occupation licence.
Licensee (an applicant)	481B(3)	Power to apply to surrender, absolutely, all or part of an occupation licence.
Applicant	481B(4)	Power to give notice of the applicant's intention to apply to each of the following: (a) if the applicant is not the licensee of the occupation licence – the licensee;

		<p>(b) any other person with a registered interest in the occupation licence;</p> <p>(c) if the occupation licence is a designated occupation licence – the Chief Executive of the department having responsibility for the administration of the forest reserve, national park, State forest or timber reserve the subject of the designated occupation licence.</p>
Applicant	481B(5)	Power to give notice to any other person the applicant considers has an interest in the occupation licence.
Licensee of occupation licence	481J(1)	Power to apply to remove licensee's improvements on a licence.

Part 7 – Tenures under other Acts

Division 1 – Sale to Local Authorities Land Act 1882

Entity power given to	Section of LANA	Description
Local Government	492(1)	In certain circumstances, power to apply to exchange a conditional deed for a reserve or deed of grant in trust with Council as trustee or a lease issued under the <i>Land Act 1994</i> .

CHAPTER 9 – TRANSITIONAL AND REPEAL PROVISIONS

Part 1K – Transitional provisions for Land, Water and Other Legislation Amendment Act 2013

Entity power given to	Section of LANA	Description
Lessee	521ZE(2)	Power to apply in writing to the Minister for the cancellation of the land management agreement for the lease.

Part 1M – Transitional provisions for Land and Other Legislation Amendment Act 2014

Entity power given to	Section of LANA	Description
Lessee of a lease	521ZL(2)	Power to agree to the renewal application being treated as an extension application and advise the Chief Executive of same.
Lessee of a lease	521ZM(2)	Power to advise the Chief Executive that the lessee wishes the lease to become a rolling term lease.

LIMITATIONS TO THE EXERCISE OF POWER

1. Where Council in its budget or by resolution allocates an amount for the expenditure of Council funds in relation to a particular matter, in exercising delegated power in relation to that matter, the delegate will only commit Council to reasonably foreseeable expenditure up to the amount allocated.
2. The delegate will not exercise any delegated power in relation to a matter which, to the delegate's knowledge, adversely affects, or is likely to adversely affect, Council's relations with the public at large.
3. The delegate will not exercise any delegated power contrary to a resolution or other decision of Council (including a policy decision relating to the matter).
4. The delegate will not exercise any delegated power in a manner, or which has the foreseeable effect, of being contrary to an adopted Council policy or procedure.
5. The delegate will only exercise a delegated power under this resolution in a manner which complies with the requirements of Council's Planning Scheme, and any exercise of power which involves a departure from or variation of those requirements will only be undertaken by Council.
6. The delegate will not exercise any delegated power which cannot lawfully be the subject of delegation by Council.

[2020 07 01 - LANA - Delegation Instrument]

Conditions imposed on all Delegations

1. Delegated powers must be read in the context of other powers and subject to conditions stipulated therein;
2. Delegated powers must be exercised consistently with the provisions of Local Government Acts or Regulations, Council Policies and Procedure, Local Laws and Subordinate Local Laws;
3. Any decisions must be made within the financial delegation of the delegate;
4. The delegate shall not give Council opinions and if opinions are to be provided, may only provide personal opinions of the delegate, not in an official capacity as an employee of the Council;
5. Delegated powers only apply to the delegate to the extent that they relate to a delegate's scope of duties as particularised in the Position Description pertaining to that delegate, or as otherwise approved in writing by the CEO or by Council Policy;
6. A delegate may not sub-delegate a power provided for in this Register to a subordinate staff member without the express written consent of the Chief Executive Officer or under a Policy or Procedure adopted by Council;
7. Any power that is not delegable under a Local Government Act or Regulation, shall not be delegable under this instrument;
8. All delegations are subject to conditions imposed in the original delegation to CEO contained in the Instrument of Delegations of Local Government;

9. Whilst exercising a power, the delegate must take into account Ailan Kastom as defined in section 6 of the *Torres Strait Islander Land Act 1991* (Qld).; and
10. All Powers delegated to the Chief Executive Officer in this Instrument shall be subject to prior Council consultation where exercise of such Power in all reasonable likelihood shall:
 -
 - a. impact on land and/or sea; and/or
 - b. involve payment of compensation regarding land; and/or
 - c. require a budget amendment.

DELEGABLE POWERS UNDER THE LAND ACT 1994 ("LANA")

CHAPTER 1 – PRELIMINARY

Part 4 – Tidal and non-tidal boundaries and associated matters

Entity power given to	Section of LANA	Description	Delegation to the CEO / Date of Resolution	Sub-Delegation to Officers	Date of Sub-Delegation	Limitations and Conditions
Registered Owner	12(3)	Power to suitably indicate where the boundaries of land are across a surface of water.	N/A			
Registered Owner	12(4)	Power to regulate or prohibit the use or movement of ships in or over water above inundated land.	N/A			
Owner who may take water under the <i>Water Act 2000</i> , section 96	13A(4)	Power to, in certain circumstances: (a) exercise a right of access for the owner, the owner's family, executive officers, employees, agents and stock over the adjacent area of the watercourse or lake that is the property of the State that adjoins the owner's land; and (b) exercise a right of grazing for the person's stock over the adjacent area; and (c) bring an action against a person who trespasses on the adjacent area.	N/A			
Adjacent Owner	13AC(1)(a)	In certain circumstances, power to consent to the dedication of a reserve.	N/A			

Applicant	13B(1)	In certain circumstances, power to apply to the Chief Executive to have watercourse land adjoining the relevant land's non-tidal boundary declared to be former watercourse land.	N/A			
Applicant	13B(2)	Power to give notice of a person's intention to make the application.	N/A			
Applicant	13B(6)	Power to appeal against the refusal of the application.	N/A			

CHAPTER 2 – LAND ALLOCATION

Part 1 – Allocation powers

Entity power given to	Section of LANA	Description	Delegation to the CEO / Date of Resolution	Sub-Delegation to Officers	Date of Sub-Delegation	Limitations and Conditions
Registered Owner	18(1)	Power to reach agreement with the Governor in Council to grant unallocated State land in exchange for all or part of freehold land.	N/A			
Lessee of a freeholding lease	18(2)	Power to reach agreement with the Governor in Council to grant a freeholding lease in exchange for all or part of a freeholding lease.	N/A			
Lessee of a term lease	18(3)	Power to enter into agreement with the Minister to lease unallocated State land.	N/A			

Part 2 – Reservations

Entity power given to	Section of LANA	Description	Delegation to the CEO / Date of Resolution	Sub-Delegation to Officers	Date of Sub-Delegation	Limitations and Conditions
Person	23A(1)	Power to apply to Chief Executive for the allocation of a floating reservation.	N/A			

Person	23A(6)	Power to appeal against a Chief Executive's decision.	N/A			
Registered owner or lessee	24(3)	Power to apply to the Minister to buy the land.	N/A			
Registered owner or lessee	25(2)	Power to appeal against the unimproved value of land.	N/A			
Registered owner or Trustee	26(2)	In certain circumstances, power to agree with the Minister in respect to the specified matters when the Minister is deciding the boundaries of land being resumed.	N/A			
Lessee, registered owner or trustee	26(4)	Power to appeal against the Minister's decision on the boundaries.	N/A			
Lessee or registered owner	26B(8)	Power to appeal against the value decided by the Minister for the commercial timber.	N/A			

CHAPTER 3 – RESERVES, DEEDS OF GRANT IN TRUST AND ROADS

Part 1 – Reserves and deeds of grant in trust

Division 2 – Reserves

Entity power given to	Section of LANA	Description	Delegation to the CEO / Date of Resolution	Sub-Delegation to Officers	Date of Sub-Delegation	Limitations and Conditions
Any Person	31C(1)	Power to apply to the Minister for the dedication of a reserve.	N/A			
Any Person	31C(2)	Power to give notice of the person's intention to make the application to:	N/A			

		(a) if the person is not the proposed trustee of the reserve - the proposed trustee; and (b) each person with a registered interest in the unallocated State land over which a reserve is proposed to be dedicated.				
Any Person	31C(3)	Power to give notice to any other person that the person considers has an interest in the unallocated State land over which the reserve is proposed to be dedicated.	N/A			
Trustee of a reserve	31D(1)	Power to apply to the Minister: (a) to change the boundaries of the reserve; or (b) to change the purpose for which the reserve is dedicated.	N/A			
Trustee of a reserve	31D(2)	Power to give notice of the trustee's intention to make the application to each person with a registered interest in the reserve.	N/A			
Trustee of a reserve	31D(3)	Power to give notice to any other person the trustee considers: (a) has an interest in the reserve; or (b) would have an interest in the reserve if the boundaries of the reserve or the purpose for which the reserve is dedicated were changed.	N/A			
Any Person	34(1)	Power to apply for the revocation of the dedication of all or part of a reserve.	N/A			
Any Person	34(2)	Power to give notice of the person's intention to make the application to: (a) if the person is not the trustee of the reserve - the trustee of the reserve; and	N/A			

		(b) each person with a registered interest in the reserve.				
Any Person	34(3)	Power to give notice to any other person that the person considers has an interest in the reserve.	N/A			
Local Government	34H(1)	Power to apply, in writing to the Chief Executive, to remove improvements from a revoked reserve.	N/A			
Trustee of an operational reserve	34I(1)	In certain circumstances, power to apply for the issue of a deed of grant over a reserve.	N/A			
Trustee of an operational reserve	34I(3)	Power to give notice of the trustee's intention to make the application to each person with a registered interest in the reserve.	N/A			
Trustee of an operational reserve	34I(4)	Power to give notice to any other person the trustee considers has an interest in the reserve.	N/A			

Division 3 – Deeds of grant in trust

Entity power given to	Section of LANA	Description	Delegation to the CEO / Date of Resolution	Sub-Delegation to Officers	Date of Sub-Delegation	Limitations and Conditions
Trustee of deed of grant in trust	38A(1)	Power to apply: (a) for an additional community purpose to be notified; or (b) to amalgamate land with common purposes.	N/A			
Any Person	38A(2)	Power to apply for the cancellation of a deed of grant in trust.	N/A			
Applicant	38A(3)	Power to give notice of the applicant's intention to apply to each of the following: (a) the trustee of the deed of grant in trust, other than the applicant	N/A			

		(b) each person with a registered interest in the trust land.				
Applicant	38A(4)	Power to give notice to any other person the applicant considers has an interest in the trust land.	N/A			
Owner of improvements on a deed of grant in trust that has been cancelled	38G(1)	Power to apply, in writing to the Chief Executive, to remove the owner's improvements on a deed of grant in trust.	N/A			

Division 5 – Appointments, functions and removal of trustees

Entity power given to	Section of LANA	Description	Delegation to the CEO / Date of Resolution	Sub-Delegation to Officers	Date of Sub-Delegation	Limitations and Conditions
Proposed trustee	44(4)	Power to provide written acceptance of appointment as trustee.	N/A			
Trustee	48(1)(a)	Power to apply for the approval of a management plan for the trust land.	N/A			
Trustee	49	In certain circumstances, power to: (a) allow the auditor general, a person mentioned in section 47(1)(a) to (d), or a person authorised by the Chief Executive of a Department, to audit the trust's financial accounts; and (b) help the conduct of the audit, including a disclosure of the financial institution accounts necessary for the audit.	N/A			

Division 6 – Powers of trustee

Entity power given to	Section of LANA	Description	Delegation to the CEO / Date of Resolution	Sub-Delegation to Officers	Date of Sub-Delegation	Limitations and Conditions
Trustee	52(1)	Power to take all action necessary for the maintenance and management of the trust land.				Subject to consultation with the Divisional Councillor.
Trustee of trust land	52(5)	Power to apply for the approval of an action that is inconsistent with the purpose for which the reserve was dedicated or the land was granted in trust (<i>inconsistent action</i>).	N/A			
Trustee	55(1)	Power to surrender all or part of a deed of grant in trust: (a) on terms agreed to between the Minister and the trustee; and (b) with the Minister's written approval.	N/A			
Trustee of a deed of grant in trust	55A(1)	Power to apply to surrender all or part of a deed of grant in trust.	N/A			
Trustee of a deed of grant in trust	55A(2)	Power to give notice of the trustee's intention to apply to each person with a registered interest in the deed of grant in trust.	N/A			
Trustee of a deed of grant in trust	55A(3)	Power to give notice to any other person the trustee considers has an interest in the deed of grant in trust.	N/A			
Owner of improvements on a deed of grant in trust that has been surrendered	55H(1)	Power to apply, in writing to the Chief Executive, to remove the owner's improvements on a surrendered deed of grant in trust.	N/A			

Trustee Lessee	58(7)	Power to appeal against a decision by the Minister or Chief Executive under section 58(6)				
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Division 7 – Trustee leases and trustee permits

Entity power given to	Section of LANA	Description	Delegation to the CEO / Date of Resolution	Sub-Delegation to Officers	Date of Sub-Delegation	Limitations and Conditions
Trustee	66(1)	In certain circumstances, power to allow a trustee lessee or trustee permittee to remove the trustee lessee's or trustee permittee's improvements on the land within a reasonable time stated by the trustee.	N/A			

Division 10 – Cemeteries

Entity power given to	Section of LANA	Description	Delegation to the CEO / Date of Resolution	Sub-Delegation to Officers	Date of Sub-Delegation	Limitations and Conditions
Local Government	82	Power to: (a) agree to have the trusteeship of a cemetery transferred; and (b) agree to conditions of the transfer of trusteeship.	N/A			

Division 11 – Other grants for public purposes

Entity power given to	Section of LANA	Description	Delegation to the CEO / Date of Resolution	Sub-Delegation to Officers	Date of Sub-Delegation	Limitations and Conditions
Trustee of land granted for an estate in fee simple for some	84(1)	In certain circumstances, power to apply to the Minister to surrender land to the State and for the issue of a deed of grant in trust under the <i>Land Act 1994</i> for a community or public purpose.	N/A			

community, public or similar purpose						
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Part 2 – Roads

Division 1 – Dedicating and opening roads

Entity power given to	Section of LANA	Description	Delegation to the CEO / Date of Resolution	Sub-Delegation to Officers	Date of Sub-Delegation	Limitations and Conditions
Person	94(2)	Power to apply for the dedication of a road for public use.				Subject to consultation with the Mayor and Divisional Councillor.

Division 2 – Closing roads

Entity power given to	Section of LANA	Description	Delegation to the CEO / Date of Resolution	Sub-Delegation to Officers	Date of Sub-Delegation	Limitations and Conditions
Public Utility Provider or Adjoining Owner for the road	99(1)	Power to apply for the permanent closure of a road.				Subject to consultation with the Mayor and Divisional Councillor.
Adjoining Owner for the road or, in certain circumstances, another person	99(3)	In certain circumstances, power to apply to the Minister for the temporary closure of a road.				Subject to consultation with the Mayor and Divisional Councillor.

Adjoining Owner	99(4)	Power to ask for the road, on its closure, to be amalgamated with the adjoining owner's adjoining land.				Subject to consultation with the Mayor and Divisional Councillor.
Adjoining Owner for the road	99(6)	In certain circumstances, power to ask in the application that, on the closure of the road, the road, the adjoining land and the other land be amalgamated.				Subject to consultation with the Mayor and Divisional Councillor.

Division 4 – Permanently closed roads

Entity power given to	Section of LANA	Description	Delegation to the CEO / Date of Resolution	Sub-Delegation to Officers	Date of Sub-Delegation	Limitations and Conditions
Registered Owner	109A(1)	In certain circumstances, power to apply for the simultaneous opening and closure of roads.				Subject to consultation with the Mayor and Divisional Councillor.
Registered Owner	109A(3)	Power to appeal against any conditions the Minister imposes under section 420I.				Subject to consultation with the Mayor and Divisional Councillor.
Trustee or Lessee	109B(1)	In certain circumstances, power to apply for the simultaneous opening and closure of roads.				Subject to consultation with the Mayor and Divisional Councillor.
Trustee	109B(4)	Power to appeal against any conditions the Minister imposes under section 420I.				Subject to consultation with the Mayor and Divisional Councillor.

CHAPTER 4 – LAND HOLDINGS

Part 1 – Making land available

Entity power given to	Section of LANA	Description	Delegation to the CEO / Date of Resolution	Sub-Delegation to Officers	Date of Sub-Delegation	Limitations and Conditions
Any Person	120A(1)	Power to apply for an interest in land without competition.	N/A			
Proposed Lessee	136(5)	Power to enter into a land management agreement.	N/A			
Buyer or previous Lessee	140(1)	Power to negotiate the provisional value (negotiated value).	N/A			
Buyer or previous Lessee	140(2)	Power to give written agreement to the negotiated value becoming the amount to be paid for the improvements.	N/A			
Buyer or previous Lessee	140(4)	Power to make application to the Court to decide the value.	N/A			

Part 3 – Leases

Entity power given to	Section of LANA	Description	Delegation to the CEO / Date of Resolution	Sub-Delegation to Officers	Date of Sub-Delegation	Limitations and Conditions
Lessee	154(1)	Power to apply to the Minister for a lease to be used for additional or fewer purposes.	N/A			
Lessee	155A(2)	Power to apply to extend a lease.	N/A			
Lessee	155B(2)	Power to apply to extend a lease.	N/A			
Lessee	155BA(2)	Power to apply to extend a lease.	N/A			

Lessee	155DA(4)	Power to make written submissions to the Minister.	N/A			
Lessee of term lease	158(1)	Power to apply for an offer of a new lease unless the condition of the lease or the <i>Land Act 1994</i> prohibits a renewal.	N/A			
Applicant	160(3)	Power to appeal against the Chief Executive's decision to refuse the renewal application if the only reason for the refusal was that the applicant had not fulfilled the conditions of the lease.	N/A			
Lessee	164C(1)	Power to make an extension application.	N/A			
Lessee	164C(7)	Power to appeal against the Minister's decision.	N/A			
Lessee	164H(1)(b)	Power to advise the Chief Executive and agree to the lease becoming a rolling term lease.	N/A			
Lessee	166(1)	Power to make a conversion application.	N/A			
Applicant	168(5)	Power to appeal against the Chief Executive's decision to refuse the conversion application if the only reason for the refusal is that the applicant had not fulfilled the conditions of the lease.	N/A			
Lessee	169(a)	Power to enter into a conservation agreement.	N/A			
Lessee	169(b)(i)	Power to enter into a forest consent agreement in relation to the land.	N/A			
Lessee	176(1)	Power to apply for approval to subdivide a lease.	N/A			
Applicant	176E	In certain circumstances, power to appeal against a decision.	N/A			

Lessee of two or more leases	176K(1)	In certain circumstances, power to apply for approval to amalgamate existing leases.	N/A			
Applicant	176Q	In certain circumstances, power to appeal against a decision that is given to an Applicant.	N/A			
Lessee	176UA(2)	Power to enter into a land management agreement.	N/A			
Lessee	176XA	Power to agree with the Minister to cancel the land management agreement registered on a lease.	N/A			

Part 4 – Permits to occupy particular land

Entity power given to	Section of LANA	Description	Delegation to the CEO / Date of Resolution	Sub-Delegation to Officers	Date of Sub-Delegation	Limitations and Conditions
Any Person	177A(1)	Power to apply for a permit to occupy unallocated State land, a reserve or road.	N/A			
Any Person	177A(2)	Power to give notice of the person's intention to apply to the following and to any other entity with a registered interest in the proposed permit land: (a) for a permit for a reserve – the trustee of the reserve; or (b) for a permit for a State-controlled road – the Chief Executive of the department in which the <i>Transport Infrastructure Act 1994</i> is administered.	N/A			
Registered Owner	179(2)	In certain circumstances, power to agree with an applicant for a permit on conditions about the maintenance of a boundary fence.	N/A			
Permittee	180(2)	Power to surrender a permit:	N/A			

		(a) on terms agreed between the Chief Executive Officer and the permittee; and (b) with the Chief Executive's written approval.				
Relevant entity for a permit	180A(1)	Power to apply to cancel a permit.	N/A			
Relevant entity for a permit	180A(2)	Power to give notice of the entity's intention to apply to: (a) the permittee; and (b) any other entity with a registered interest in the permit land.	N/A			
Relevant entity for a permit	180A(4)	Power to give notice to any other entity the relevant entity considers has an interest in the permit land.	N/A			
Permittee	180A(5)	Power to apply to surrender a permit.	N/A			
Permittee	180H(1)	Power to apply to the Chief Executive to remove improvements on permit land.	N/A			

CHAPTER 5 – MATTERS AFFECTING LAND HOLDINGS

Part 2 – Conditions

Division 3 – Changing and reviewing imposed conditions

Entity power given to	Section of LANA	Description	Delegation to the CEO / Date of Resolution	Sub-Delegation to Officers	Date of Sub-Delegation	Limitations and Conditions
Lessee or Licensee or permittee	210(1)	Power to agree to a change of an imposed condition of the lease, licence or permit.	N/A			

Lessee or Licensee or permittee	210(2)	Power to apply to change conditions of a lease, licence or permit under section 210(1).	N/A			
Lessee	212(1)	Power to agree to change an imposed condition about the protection and sustainability of lease land.	N/A			
Lessee	212(3)	In certain circumstances, power to appeal against a decision.	N/A			

Division 3A – Regulated conditions

Entity power given to	Section of LANA	Description	Delegation to the CEO / Date of Resolution	Sub-Delegation to Officers	Date of Sub-Delegation	Limitations and Conditions
Lessee of a lease	212B(5)	Power to agree with the designated officer for the lease about matters stated in section 212B(5)(a) and (b).	N/A			

Division 5 – Remedial action

Entity power given to	Section of LANA	Description	Delegation to the CEO / Date of Resolution	Sub-Delegation to Officers	Date of Sub-Delegation	Limitations and Conditions
Lessee	214(3)	Power to enter into an amended or a new land management agreement upon receipt of a remedial action notice.	N/A			
Lessee or Licensee	214A(4)	Power to make written submissions to the Minister in response to a warning notice.	N/A			
Lessee	214F(3)	Power to appeal against a decision.	N/A			

Part 3 – Resumption and compensation

Division 2 – Resumption of a lease under a condition of the lease

Entity power given to	Section of LANA	Description	Delegation to the CEO / Date of Resolution	Sub-Delegation to Officers	Date of Sub-Delegation	Limitations and Conditions
Lessee	226(5)	Power to appeal against the Minister's decision.	N/A			

Division 3 – Resumption of a reservation for a public purpose

Entity power given to	Section of LANA	Description	Delegation to the CEO / Date of Resolution	Sub-Delegation to Officers	Date of Sub-Delegation	Limitations and Conditions
Owner of the improvement	232(5)	Power to appeal against the Minister's decision.	N/A			

Part 4 – Forfeiture

Division 2A – Forfeiture of leases by referral to court or for fraud

Entity power given to	Section of LANA	Description	Delegation to the CEO / Date of Resolution	Sub-Delegation to Officers	Date of Sub-Delegation	Limitations and Conditions
Relevant local government	239(4)	Power to appeal against a decision under subsection (2)(b)(iv) to allow an entity other than the relevant local government to sell the lease.	N/A			

Division 3A – Sale of lease instead of forfeiture

Entity power given to	Section of LANA	Description	Delegation to the CEO / Date of Resolution	Sub-Delegation to Officers	Date of Sub-Delegation	Limitations and Conditions
Lessee	240E(1)	Power to apply, in writing, to the Chief Executive for permission to sell the lease.	N/A			
Relevant Local Government	240G(1)	Power to apply to the Chief Executive for approval to sell a lease.	N/A			
Local Government	240I(3)	Power to start the process of selling a lease under this subdivision within the required period stated in the notice under section 240H(2).	N/A			
Local Government	240I(4)	Power to set a reserve price for the sale of the lease by auction, or a price for the sale of the lease under an agreement, that is at least the total of all charges owing to the State under the Land Act 1994 relating to the lease.	N/A			
Lessee of a forfeited lease	243(1A)	Power to apply to remove the lessee's improvements on the lease.	N/A			

CHAPTER 6 – REGISTRATION AND DEALINGS

Part 3 – Documents

Division 2 – Documents forming part of standard terms documents

Entity power given to	Section of LANA	Description	Delegation to the CEO / Date of Resolution	Sub-Delegation to Officers	Date of Sub-Delegation	Limitations and Conditions
Person	321(1)	Power to ask the Chief Executive to withdraw a registered standard terms document.	N/A			

Part 4 – Dealings affecting land

Division 1 – Transfers

Entity power given to	Section of LANA	Description	Delegation to the CEO / Date of Resolution	Sub-Delegation to Officers	Date of Sub-Delegation	Limitations and Conditions
Lessee or Licensee or the holder of a sublease	322(3)	Power to apply for approval to transfer a lease, licence or sublease.	N/A			
Transferor	322(8)	Power to appeal against the Chief Executive's decision.	N/A			

Division 2 – Surrender

Entity power given to	Section of LANA	Description	Delegation to the CEO / Date of Resolution	Sub-Delegation to Officers	Date of Sub-Delegation	Limitations and Conditions
Registered Owner	327	Power to agree to terms of the absolute surrender of freehold land.	N/A			

Lessee	327A	Power to agree to terms of the absolute or conditional surrender of all or part of a lease.	N/A			
Registered Owner of freehold land	327B	Power to apply, in writing to the Chief Executive, to surrender freehold land.	N/A			
Lessee	327C(1)	Power to apply, in writing to the Chief Executive, to surrender all or part of a lease.	N/A			
Lessee	327C(2)	Power to give notice of the lessee's intention to apply to any other person with a registered interest in the lease.	N/A			
Lessee	327C(3)	Power to give notice to any other person the lessee considers has an interest in the lease.	N/A			
Owner of improvements on a lease that has been surrendered	327I(1)	Power to apply, in writing to the Chief Executive, to remove improvements on surrendered lease.	N/A			
Any grantee of an easement or profit a prendre	330(c)	Power to give written approval to the surrender where the grantee's interests will be adversely affected.	N/A			

Division 3 – Subleases

Entity power given to	Section of LANA	Description	Delegation to the CEO / Date of Resolution	Sub-Delegation to Officers	Date of Sub-Delegation	Limitations and Conditions
Person	332(1)(a)(i)	The power to seek the Minister's written approval to the sublease.	N/A			
Lessee	332(7)	Power to appeal against a Minister's decision.	N/A			
Sublessor	339(1)	Power to lodge a request for the Chief Executive to register the re-entry.	N/A			

**Division 3A – Process for resolving disputes
under particular subleases**

Subdivision 2 – Notice of dispute

Entity power given to	Section of LANA	Description	Delegation to the CEO / Date of Resolution	Sub-Delegation to Officers	Date of Sub-Delegation	Limitations and Conditions
Party to a sublease	339F(1)	Power to give another party to the sublease a written notice of dispute.	N/A			
Responder	339G(1)	Power to give a notifier of a sublease dispute a written response to the dispute notice within the specified time.	N/A			
Party to a sublease	339H(2)	Power to agree not to attempt to resolve the dispute by mediation and to submit the dispute to arbitration.	N/A			

Subdivision 3 – Mediation

Entity power given to	Section of LANA	Description	Delegation to the CEO / Date of Resolution	Sub-Delegation to Officers	Date of Sub-Delegation	Limitations and Conditions
Party to a sublease	339I(1)	Power to jointly appoint a mediator to mediate the dispute.	N/A			
Party to a sublease	339I(2)	Power to request a prescribed dispute resolution entity appoint a mediator.	N/A			
Party to a sublease	339J(1)	Power to agree to a time for mediation	N/A			
Party to a sublease	339J(2)	Power to request the mediator to set a time for the mediation.	N/A			
Party to a sublease	339J(4)	Power to appoint an agent to represent the Local Government at a mediation.	N/A			

Subdivision 4 – Arbitration

Entity power given to	Section of LANA	Description	Delegation to the CEO / Date of Resolution	Sub-Delegation to Officers	Date of Sub-Delegation	Limitations and Conditions
Party to a sublease	339O(1)	Power to appoint a single arbitrator to decide the dispute	N/A			
Party to a sublease	339O(2)	Power to request a prescribed dispute resolution entity to appoint a single arbitrator to decide the dispute	N/A			
Party to a sublease	339R(2)	Power to request an appointed expert participate in a hearing.	N/A			
Party to a sublease	339U(3)(a)	Power to agree on how the costs of arbitration will be paid.	N/A			

Division 7 – Correcting and changing deeds of grant and leases

Entity power given to	Section of LANA	Description	Delegation to the CEO / Date of Resolution	Sub-Delegation to Officers	Date of Sub-Delegation	Limitations and Conditions
Registered owner or Trustee	358(1)	In certain circumstances, power to surrender land contained in a deed of grant or trustee's deed of grant in trust.	N/A			
Registered owner or Trustee	358(2)	In certain circumstances, power to surrender land contained in a deed of grant or trustee's deed of grant in trust with the Minister's written approval.	N/A			
Lessee or a person acting for the lessee	360C(1)	In certain circumstances, power to apply to amend the description in a freeholding lease if the description of the lease may be amended under section 360(1)(a) or (d).	N/A			

Lessee or a person acting for the lessee	360C(2)	Power to apply to amend the description in a term lease or perpetual lease, other than a State lease, if the description of the lease may be amended under section 360A(2)(a), (b) or (c).	N/A			
Lessee or a person acting for the lessee	360C(3)	Power to apply to amend the description in a State lease if the description of the lease may be amended under section 360B(1)(a), (b), (c) or (d).	N/A			
Applicant	360D(2)	Power to give notice of the applicant's intention to apply to any other person with a registered interest in the lease land.	N/A			
Applicant	360D(3)	Power to give notice to any other person the applicant considers has an interest in the lease.	N/A			

Division 8 – Easements

Entity power given to	Section of LANA	Description	Delegation to the CEO / Date of Resolution	Sub-Delegation to Officers	Date of Sub-Delegation	Limitations and Conditions
Trustee	368(2)(a)	In certain circumstances, power to ask the Chief Executive to extinguish an easement.	N/A			
Owner of land or public utility provider	371(2)	In certain circumstances, power to sign a document of surrender	N/A			
Person who has a registered interest in the land	371(3)	Power to agree to surrender an easement.	N/A			
Person	372(2)	Power to apply for the Minister's written approval to continue a public utility easement over unallocated state land.	N/A			

Person	372(3)	Power to apply for the Minister's written approval to continue a public utility easement over a reserve.	N/A			
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Division 8A – Covenants

Entity power given to	Section of LANA	Description	Delegation to the CEO / Date of Resolution	Sub-Delegation to Officers	Date of Sub-Delegation	Limitations and Conditions
Local Government as Covenantee	373A(1)	Power to make certain non-freehold land the subject of a covenant.	N/A			
The trustee of trust land, the lessee of lease land or the sublessee of subleased land.	373A(2)	Power to consent to a document creating a covenant.	N/A			
Person	373B(1)(a)	Power to sign a document creating a covenant.	N/A			
Person	373C(2)(a)	Power to sign a document amending the covenant.	N/A			
Covenantee	373D(2)	Power to sign a document releasing the covenant.	N/A			

Division 8B – Profits a prendre

Entity power given to	Section of LANA	Description	Delegation to the CEO / Date of Resolution	Sub-Delegation to Officers	Date of Sub-Delegation	Limitations and Conditions
Lessee	373L(a)	Power to ask the Chief Executive to extinguish the profit a prendre.	N/A			

Division 11A – Caveats

Entity power given to	Section of LANA	Description	Delegation to the CEO / Date of Resolution	Sub-Delegation to Officers	Date of Sub-Delegation	Limitations and Conditions
Caveatee	389H(1)	Power to apply to the Supreme Court for an order that a caveat lodged under this division be removed.	N/A			

CHAPTER 7 – GENERAL

Part 2 – Unlawful occupation of non-freehold and trust land

Division 3 – Action by lessee, licensee, permittee or trustee

Entity power given to	Section of LANA	Description	Delegation to the CEO / Date of Resolution	Sub-Delegation to Officers	Date of Sub-Delegation	Limitations and Conditions
Trustee or Lessee or Licensee or Permittee	415(1)	In certain circumstances, power to start a proceeding in the Magistrates Court.	N/A			

Division 4 – Court matters

Entity power given to	Section of LANA	Description	Delegation to the CEO / Date of Resolution	Sub-Delegation to Officers	Date of Sub-Delegation	Limitations and Conditions
Party	420	Power to appeal to the District Court on a question of law if dissatisfied with a trespass order.	N/A			

Part 2A – General provisions for applications

Entity power given to	Section of LANA	Description	Delegation to the CEO / Date of Resolution	Sub-Delegation to Officers	Date of Sub-Delegation	Limitations and Conditions
Entity	420CB(1)	Power to make a submission against the proposed application to: (a) the person who gave the entity the notice; or (b) the Chief Executive.	N/A			

Part 3 – Review of decisions and appeals**Division 2 – Internal review of decisions**

Entity power given to	Section of LANA	Description	Delegation to the CEO / Date of Resolution	Sub-Delegation to Officers	Date of Sub-Delegation	Limitations and Conditions
Person who has a right of appeal against an original decision	423	Power to apply to the Minister for a review of the decision.	N/A			
Applicant	425(1)	Power to apply for a stay of the decision to the Court.	N/A			

Division 3 – Appeals

Entity power given to	Section of LANA	Description	Delegation to the CEO / Date of Resolution	Sub-Delegation to Officers	Date of Sub-Delegation	Limitations and Conditions
A person who has applied for the review of a decision	427	Power to appeal to the Court if dissatisfied with the review decision.	N/A			

under division 2						
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Part 3B – Making land available for public use as beach

Entity power given to	Section of LANA	Description	Delegation to the CEO / Date of Resolution	Sub-Delegation to Officers	Date of Sub-Delegation	Limitations and Conditions
Local Government	431V(3)	Power to consult with the owner of the lot.				Subject to consultation with the Divisional Councillor.
Manager	431W(6)(a)	Power to authorise an officer or employee of the manager of a declared beach area, to enter the area at any time without notice to any other person.	N/A			
Manager	431X(1)(b) (ii)	Power to authorise or direct a person acting in the performance of functions or powers.	N/A			

Part 4 – Miscellaneous

Entity power given to	Section of LANA	Description	Delegation to the CEO / Date of Resolution	Sub-Delegation to Officers	Date of Sub-Delegation	Limitations and Conditions
Offeree	442(4)	In certain circumstances, power to apply to the person who made the offer to extend the time stated in the offer or that otherwise applies under subsection (1).	N/A			
Offeror	442(9)	Power to amend the offer by changing the price or premium to a price or premium decided by the offeror in the way prescribed by regulation.	N/A			

CHAPTER 8 – CONTINUED RIGHTS AND TENURES

Part 5 – Licences and permits

Division 1 – Occupation licences

Entity power given to	Section of LANA	Description	Delegation to the CEO / Date of Resolution	Sub-Delegation to Officers	Date of Sub-Delegation	Limitations and Conditions
Licensee	481A	Power to surrender, absolutely, all or part of an occupation licence: (a) on terms agreed to between the Minister and the licensee; (b) and with the Minister's written approval.	N/A			
Public Utility Provider (an applicant)	481B(1)	Power to apply to cancel all or part of an occupation licence.	N/A			
Licensee (an applicant)	481B(3)	Power to apply to surrender, absolutely, all or part of an occupation licence.	N/A			
Applicant	481B(4)	Power to give notice of the applicant's intention to apply to each of the following: (a) if the applicant is not the licensee of the occupation licence – the licensee; (b) any other person with a registered interest in the occupation licence; (c) if the occupation licence is a designated occupation licence – the Chief Executive of the department having responsibility for the administration of the forest reserve, national park, State forest or timber reserve the subject of the designated occupation licence.	N/A			

Applicant	481B(5)	Power to give notice to any other person the applicant considers has an interest in the occupation licence.	N/A			
Licensee of occupation licence	481J(1)	Power to apply to remove licensee's improvements on a licence.	N/A			

Part 7 – Tenures under other Acts

Division 1 – Sale to Local Authorities Land Act 1882

Entity power given to	Section of LANA	Description	Delegation to the CEO / Date of Resolution	Sub-Delegation to Officers	Date of Sub-Delegation	Limitations and Conditions
Local Government	492(1)	In certain circumstances, power to apply to exchange a conditional deed for a reserve or deed of grant in trust with Council as trustee or a lease issued under the <i>Land Act 1994</i> .	N/A			

CHAPTER 9 – TRANSITIONAL AND REPEAL PROVISIONS

Part 1K – Transitional provisions for Land, Water and Other Legislation Amendment Act 2013

Entity power given to	Section of LANA	Description	Delegation to the CEO / Date of Resolution	Sub-Delegation to Officers	Date of Sub-Delegation	Limitations and Conditions
Lessee	521ZE(2)	Power to apply in writing to the Minister for the cancellation of the land management agreement for the lease.	N/A			

**Part 1M – Transitional provisions for Land and Other
Legislation Amendment Act 2014**

Entity power given to	Section of LANA	Description	Delegation to the CEO / Date of Resolution	Sub-Delegation to Officers	Date of Sub-Delegation	Limitations and Conditions
Lessee of a lease	521ZL(2)	Power to agree to the renewal application being treated as an extension application and advise the Chief Executive of same.	N/A			
Lessee of a lease	521ZM(2)	Power to advise the Chief Executive that the lessee wishes the lease to become a rolling term lease.	N/A			

[2020 07 01 - LANA - Delegation Table]

INSTRUMENT OF SUB-DELEGATION

Torres Strait Island Regional Council
Land Act 1994 ("LANA")

Under section 259 of the *Local Government Act 2009*, I, **Bruce Ranga**, Chief Executive Officer of **Torres Strait Island Regional Council**, delegate to those positions which are specified in Schedule 1, the exercise of the powers contained in Schedule 2.

These powers must be exercised subject to the limitations contained in Schedule 3.

This Instrument of Sub-Delegation repeals all prior Instruments sub-delegating to the positions specified in Schedule 1 the exercise of the powers contained in Schedule 2.

My authority to make these sub-delegations is conferred by the *Local Government Act 2009* and the resolution of **Torres Strait Island Regional Council** made on **Insert date** to delegate those powers to the Chief Executive Officer.

DATED this day of 2020.

Bruce Ranga
Chief Executive Officer
Torres Strait Island Regional Council

Position: Insert Position
Position Code: Insert Position Code

POWERS SUB-DELEGATED

Land Act 1994 ("LANA")

CHAPTER 1 – PRELIMINARY

Part 4 – Tidal and non-tidal boundaries and associated matters

Entity power given to	Section of LANA	Description
Registered Owner	12(3)	Power to suitably indicate where the boundaries of land are across a surface of water.
Registered Owner	12(4)	Power to regulate or prohibit the use or movement of ships in or over water above inundated land.
Owner who may take water under the <i>Water Act 2000</i> , section 96	13A(4)	Power to, in certain circumstances: (a) exercise a right of access for the owner, the owner's family, executive officers, employees, agents and stock over the adjacent area of the watercourse or lake that is the property of the State that adjoins the owner's land; and (b) exercise a right of grazing for the person's stock over the adjacent area; and (c) bring an action against a person who trespasses on the adjacent area.
Adjacent Owner	13AC(1)(a)	In certain circumstances, power to consent to the dedication of a reserve.
Applicant	13B(1)	In certain circumstances, power to apply to the Chief Executive to have watercourse land adjoining the relevant land's non-tidal boundary declared to be former watercourse land.
Applicant	13B(2)	Power to give notice of a person's intention to make the application.
Applicant	13B(6)	Power to appeal against the refusal of the application.

CHAPTER 2 – LAND ALLOCATION

Part 1 – Allocation powers

Entity power given to	Section of LANA	Description
Registered Owner	18(1)	Power to reach agreement with the Governor in Council to grant unallocated State land in exchange for all or part of freehold land.
Lessee of a freeholding lease	18(2)	Power to reach agreement with the Governor in Council to grant a freeholding lease in exchange for all or part of a freeholding lease.
Lessee of a term lease	18(3)	Power to enter into agreement with the Minister to lease unallocated State land.

Part 2 – Reservations

Entity power given to	Section of LANA	Description
Person	23A(1)	Power to apply to Chief Executive for the allocation of a floating reservation.
Person	23A(6)	Power to appeal against a Chief Executive's decision.
Registered owner or lessee	24(3)	Power to apply to the Minister to buy the land.
Registered owner or lessee	25(2)	Power to appeal against the unimproved value of land.
Registered owner or Trustee	26(2)	In certain circumstances, power to agree with the Minister in respect to the specified matters when the Minister is deciding the boundaries of land being resumed.
Lessee, registered owner or trustee	26(4)	Power to appeal against the Minister's decision on the boundaries.
Lessee or registered owner	26B(8)	Power to appeal against the value decided by the Minister for the commercial timber.

CHAPTER 3 – RESERVES, DEEDS OF GRANT IN TRUST AND ROADS

Part 1 – Reserves and deeds of grant in trust

Division 2 – Reserves

Entity power given to	Section of LANA	Description
Any Person	31C(1)	Power to apply to the Minister for the dedication of a reserve.
Any Person	31C(2)	Power to give notice of the person's intention to make the application to: <ul style="list-style-type: none"> (a) if the person is not the proposed trustee of the reserve - the proposed trustee; and (b) each person with a registered interest in the unallocated State land over which a reserve is proposed to be dedicated.
Any Person	31C(3)	Power to give notice to any other person that the person considers has an interest in the unallocated State land over which the reserve is proposed to be dedicated.
Trustee of a reserve	31D(1)	Power to apply to the Minister: <ul style="list-style-type: none"> (a) to change the boundaries of the reserve; or (b) to change the purpose for which the reserve is dedicated.
Trustee of a reserve	31D(2)	Power to give notice of the trustee's intention to make the application to each person with a registered interest in the reserve.
Trustee of a reserve	31D(3)	Power to give notice to any other person the trustee considers: <ul style="list-style-type: none"> (a) has an interest in the reserve; or (b) would have an interest in the reserve if the boundaries of the reserve or the purpose for which the reserve is dedicated were changed.
Any Person	34(1)	Power to apply for the revocation of the dedication of all or part of a reserve.

Any Person	34(2)	Power to give notice of the person's intention to make the application to: (a) if the person is not the trustee of the reserve - the trustee of the reserve; and (b) each person with a registered interest in the reserve.
Any Person	34(3)	Power to give notice to any other person that the person considers has an interest in the reserve.
Local Government	34H(1)	Power to apply, in writing to the Chief Executive, to remove improvements from a revoked reserve.
Trustee of an operational reserve	34I(1)	In certain circumstances, power to apply for the issue of a deed of grant over a reserve.
Trustee of an operational reserve	34I(3)	Power to give notice of the trustee's intention to make the application to each person with a registered interest in the reserve.
Trustee of an operational reserve	34I(4)	Power to give notice to any other person the trustee considers has an interest in the reserve.

Division 3 – Deeds of grant in trust

Entity power given to	Section of LANA	Description
Trustee of deed of grant in trust	38A(1)	Power to apply: (a) for an additional community purpose to be notified; or (b) to amalgamate land with common purposes.
Any Person	38A(2)	Power to apply for the cancellation of a deed of grant in trust.
Applicant	38A(3)	Power to give notice of the applicant's intention to apply to each of the following: (a) the trustee of the deed of grant in trust, other than the applicant (b) each person with a registered interest in the trust land.
Applicant	38A(4)	Power to give notice to any other person the applicant considers has an interest in the trust land.
Owner of improvements on a deed of grant in trust that has been cancelled	38G(1)	Power to apply, in writing to the Chief Executive, to remove the owner's improvements on a deed of grant in trust.

Division 5 – Appointments, functions and removal of trustees

Entity power given to	Section of LANA	Description
Proposed trustee	44(4)	Power to provide written acceptance of appointment as trustee.
Trustee	48(1)(a)	Power to apply for the approval of a management plan for the trust land.
Trustee	49	In certain circumstances, power to: (a) allow the auditor general, a person mentioned in section 47(1)(a) to (d), or a person authorised by the Chief Executive of a Department, to audit the trust's financial accounts; and

		(b) help the conduct of the audit, including a disclosure of the financial institution accounts necessary for the audit.
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Division 6 – Powers of trustee

Entity power given to	Section of LANA	Description
Trustee	52(1)	Power to take all action necessary for the maintenance and management of the trust land.
Trustee of trust land	52(5)	Power to apply for the approval of an action that is inconsistent with the purpose for which the reserve was dedicated or the land was granted in trust (<i>inconsistent action</i>).
Trustee	55(1)	Power to surrender all or part of a deed of grant in trust: (a) on terms agreed to between the Minister and the trustee; and (b) with the Minister's written approval.
Trustee of a deed of grant in trust	55A(1)	Power to apply to surrender all or part of a deed of grant in trust.
Trustee of a deed of grant in trust	55A(2)	Power to give notice of the trustee's intention to apply to each person with a registered interest in the deed of grant in trust.
Trustee of a deed of grant in trust	55A(3)	Power to give notice to any other person the trustee considers has an interest in the deed of grant in trust.
Owner of improvements on a deed of grant in trust that has been surrendered	55H(1)	Power to apply, in writing to the Chief Executive, to remove the owner's improvements on a surrendered deed of grant in trust.
Trustee Lessee	58(7)	Power to appeal against a decision by the Minister or Chief Executive under section 58(6)

Division 7 – Trustee leases and trustee permits

Entity power given to	Section of LANA	Description
Trustee	66(1)	In certain circumstances, power to allow a trustee lessee or trustee permittee to remove the trustee lessee's or trustee permittee's improvements on the land within a reasonable time stated by the trustee.

Division 10 – Cemeteries

Entity power given to	Section of LANA	Description
Local Government	82	Power to: (a) agree to have the trusteeship of a cemetery transferred; and (b) agree to conditions of the transfer of trusteeship.

Division 11 – Other grants for public purposes

Entity power given to	Section of LANA	Description
Trustee of land granted for an estate in fee simple for some community, public or similar purpose	84(1)	In certain circumstances, power to apply to the Minister to surrender land to the State and for the issue of a deed in grant in trust under the <i>Land Act 1994</i> for a community or public purpose.

Part 2 –

Roads

Division 1 – Dedication and opening roads

Entity power given to	Section of LANA	Description
Person	94(2)	Power to apply for the dedication of a road for public use.

Division 2 – Closing roads

Entity power given to	Section of LANA	Description
Public Utility Provider or Adjoining Owner for the road	99(1)	Power to apply for the permanent closure of a road.
Adjoining Owner for the road or, in certain circumstances, another person	99(3)	In certain circumstances, power to apply to the Minister for the temporary closure of a road.
Adjoining Owner	99(4)	Power to ask for the road, on its closure, to be amalgamated with the adjoining owner's adjoining land.
Adjoining Owner for the road	99(6)	In certain circumstances, power to ask in the application that, on the closure of the road, the road, the adjoining land and the other land be amalgamated.

Division 4 – Permanently closed roads

Entity power given to	Section of LANA	Description
Registered Owner	109A(1)	In certain circumstances, power to apply for the simultaneous opening and closure of roads.
Registered Owner	109A(3)	Power to appeal against any conditions the Minister imposes under section 420I.
Trustee or Lessee	109B(1)	In certain circumstances, power to apply for the simultaneous opening and closure of roads.
Trustee	109B(4)	Power to appeal against any conditions the Minister imposes under section 420I.

CHAPTER 4 – LAND HOLDINGS

Part 1 – Making land available

Entity power given to	Section of LANA	Description
Any Person	120A(1)	Power to apply for an interest in land without competition.
Proposed Lessee	136(5)	Power to enter into a land management agreement.
Buyer or previous Lessee	140(1)	Power to negotiate the provisional value (negotiated value).
Buyer or previous Lessee	140(2)	Power to give written agreement to the negotiated value becoming the amount to be paid for the improvements.
Buyer or previous Lessee	140(4)	Power to make application to the Court to decide the value.

Part 3 – Leases

Entity power given to	Section of LANA	Description
Lessee	154(1)	Power to apply to the Minister for a lease to be used for additional or fewer purposes.
Lessee	155A(2)	Power to apply to extend a lease.
Lessee	155B(2)	Power to apply to extend a lease.
Lessee	155BA(2)	Power to apply to extend a lease.
Lessee	155DA(4)	Power to make written submissions to the Minister.
Lessee of term lease	158(1)	Power to apply for an offer of a new lease unless the condition of the lease or the <i>Land Act 1994</i> prohibits a renewal.
Applicant	160(3)	Power to appeal against the Chief Executive's decision to refuse the renewal application if the only reason for the refusal was that the applicant had not fulfilled the conditions of the lease.
Lessee	164C(1)	Power to make an extension application.
Lessee	164C(7)	Power to appeal against the Minister's decision.
Lessee	164H(1)(b)	Power to advise the Chief Executive and agree to the lease becoming a rolling term lease.
Lessee	166(1)	Power to make a conversion application.
Applicant	168(5)	Power to appeal against the Chief Executive's decision to refuse the conversion application if the only reason for the refusal is that the applicant had not fulfilled the conditions of the lease.
Lessee	169(a)	Power to enter into a conservation agreement.
Lessee	169(b)(i)	Power to enter into a forest consent agreement in relation to the land.
Lessee	176(1)	Power to apply for approval to subdivide a lease.
Applicant	176E	In certain circumstances, power to appeal against a decision.
Lessee of two or more leases	176K(1)	In certain circumstances, power to apply for approval to amalgamate existing leases.
Applicant	176Q	In certain circumstances, power to appeal against a decision that is given to an Applicant.
Lessee	176UA(2)	Power to enter into a land management agreement.

Lessee	176XA	Power to agree with the Minister to cancel the land management agreement registered on a lease.
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Part 4 – Permits to occupy particular land

Entity power given to	Section of LANA	Description
Any Person	177A(1)	Power to apply for a permit to occupy unallocated State land, a reserve or road.
Any Person	177A(2)	Power to give notice of the person's intention to apply to the following and to any other entity with a registered interest in the proposed permit land: (a) for a permit for a reserve – the trustee of the reserve; or (b) for a permit for a State-controlled road – the Chief Executive of the department in which the <i>Transport Infrastructure Act 1994</i> is administered.
Registered Owner	179(2)	In certain circumstances, power to agree with an applicant for a permit on conditions about the maintenance of a boundary fence.
Permittee	180(2)	Power to surrender a permit: (a) on terms agreed between the Chief Executive Officer and the permittee; and (b) with the Chief Executive's written approval.
Relevant entity for a permit	180A(1)	Power to apply to cancel a permit.
Relevant entity for a permit	180A(2)	Power to give notice of the entity's intention to apply to: (a) the permittee; and (b) any other entity with a registered interest in the permit land.
Relevant entity for a permit	180A(4)	Power to give notice to any other entity the relevant entity considers has an interest in the permit land.
Permittee	180A(5)	Power to apply to surrender a permit.
Permittee	180H(1)	Power to apply to the Chief Executive to remove improvements on permit land.

CHAPTER 5 – MATTERS AFFECTING LAND HOLDINGS

Part 2 – Conditions

Division 3 – Changing and reviewing imposed conditions

Entity power given to	Section of LANA	Description
Lessee or Licensee or permittee	210(1)	Power to agree to a change of an imposed condition of the lease, licence or permit.
Lessee or Licensee or permittee	210(2)	Power to apply to change conditions of a lease, licence or permit under section 210(1).
Lessee	212(1)	Power to agree to change an imposed condition about the protection and sustainability of lease land.
Lessee	212(3)	In certain circumstances, power to appeal against a decision.

Division 3A – Regulated conditions

Entity power given to	Section of LANA	Description
Lessee of a lease	212B(5)	Power to agree with the designated officer for the lease about matters stated in section 212B(5)(a) and (b).

Division 5 – Remedial action

Entity power given to	Section of LANA	Description
Lessee	214(3)	Power to enter into an amended or a new land management agreement upon receipt of a remedial action notice.
Lessee or Licensee	214A(4)	Power to make written submissions to the Minister in response to a warning notice.
Lessee	214F(3)	Power to appeal against a decision.

Part 3 – Resumption and compensation

Division 2 – Resumption of a lease under a condition of the lease

Entity power given to	Section of LANA	Description
Lessee	226(5)	Power to appeal against the Minister's decision.

Division 3 – Resumption of a reservation for a public purpose

Entity power given to	Section of LANA	Description
Owner of the improvement	232(5)	Power to appeal against the Minister's decision.

Part 4 – Forfeiture

Division 2A – Forfeiture of leases by referral to court or for fraud

Entity power given to	Section of LANA	Description
Relevant local government	239(4)	Power to appeal against a decision under subsection (2)(b)(iv) to allow an entity other than the relevant local government to sell the lease.

Division 3A – Sale of lease instead of forfeiture

Entity power given to	Section of LANA	Description
Lessee	240E(1)	Power to apply, in writing, to the Chief Executive for permission to sell the lease.
Relevant Local Government	240G(1)	Power to apply to the Chief Executive for approval to sell a lease.
Local Government	240I(3)	Power to start the process of selling a lease under this subdivision within the required period stated in the notice under section 240H(2).
Local Government	240I(4)	Power to set a reserve price for the sale of the lease by auction, or a price for the sale of the lease under an agreement, that is

		at least the total of all charges owing to the State under the Land Act 1994 relating to the lease.
Lessee of a forfeited lease	243(1A)	Power to apply to remove the lessee's improvements on the lease.

CHAPTER 6 – REGISTRATION AND DEALINGS

Part 3 – Documents

Division 2 – Documents forming part of standard terms documents

Entity power given to	Section of LANA	Description
Person	321(1)	Power to ask the Chief Executive to withdraw a registered standard terms document.

Part 4 – Dealings affecting land

Division 1 – Transfers

Entity power given to	Section of LANA	Description
Lessee or Licensee or the holder of a sublease	322(3)	Power to apply for approval to transfer a lease, licence or sublease.
Transferor	322(8)	Power to appeal against the Chief Executive's decision.

Division 2 – Surrender

Entity power given to	Section of LANA	Description
Registered Owner	327	Power to agree to terms of the absolute surrender of freehold land.
Lessee	327A	Power to agree to terms of the absolute or conditional surrender of all or part of a lease.
Registered Owner of freehold land	327B	Power to apply, in writing to the Chief Executive, to surrender freehold land.
Lessee	327C(1)	Power to apply, in writing to the Chief Executive, to surrender all or part of a lease.
Lessee	327C(2)	Power to give notice of the lessee's intention to apply to any other person with a registered interest in the lease.
Lessee	327C(3)	Power to give notice to any other person the lessee considers has an interest in the lease.
Owner of improvements on a lease that has been surrendered	327I(1)	Power to apply, in writing to the Chief Executive, to remove improvements on surrendered lease.
Any grantee of an easement or profit a prendre	330(c)	Power to give written approval to the surrender where the grantee's interests will be adversely affected.

Division 3 – Subleases

Entity power given to	Section of LANA	Description
Person	332(1)(a)(i)	The power to seek the Minister's written approval to the sublease.
Lessee	332(7)	Power to appeal against a Minister's decision.
Sublessor	339(1)	Power to lodge a request for the Chief Executive to register the re-entry.

Division 3A – Process for resolving disputes under particular subleases

Subdivision 2 – Notice of dispute

Entity power given to	Section of LANA	Description
Party to a sublease	339F(1)	Power to give another party to the sublease a written notice of dispute.
Responder	339G(1)	Power to give a notifier of a sublease dispute a written response to the dispute notice within the specified time.
Party to a sublease	339H(2)	Power to agree not to attempt to resolve the dispute by mediation and to submit the dispute to arbitration.

Subdivision 3 – Mediation

Entity power given to	Section of LANA	Description
Party to a sublease	339I(1)	Power to jointly appoint a mediator to mediate the dispute.
Party to a sublease	339I(2)	Power to request a prescribed dispute resolution entity appoint a mediator.
Party to a sublease	339J(1)	Power to agree to a time for mediation
Party to a sublease	339J(2)	Power to request the mediator to set a time for the mediation.
Party to a sublease	339J(4)	Power to appoint an agent to represent the Local Government at a mediation.

Subdivision 4 – Arbitration

Entity power given to	Section of LANA	Description
Party to a sublease	339O(1)	Power to appoint a single arbitrator to decide the dispute
Party to a sublease	339O(2)	Power to request a prescribed dispute resolution entity to appoint a single arbitrator to decide the dispute
Party to a sublease	339R(2)	Power to request an appointed expert participate in a hearing.
Party to a sublease	339U(3)(a)	Power to agree on how the costs of arbitration will be paid.

Division 7 – Correcting and changing deeds of grant and leases

Entity power given to	Section of LANA	Description
Registered owner or Trustee	358(1)	In certain circumstances, power to surrender land contained in a deed of grant or trustee's deed of grant in trust.

Registered owner or Trustee	358(2)	In certain circumstances, power to surrender land contained in a deed of grant or trustee's deed of grant in trust with the Minister's written approval.
Lessee or a person acting for the lessee	360C(1)	In certain circumstances, power to apply to amend the description in a freeholding lease if the description of the lease may be amended under section 360(1)(a) or (d).
Lessee or a person acting for the lessee	360C(2)	Power to apply to amend the description in a term lease or perpetual lease, other than a State lease, if the description of the lease may be amended under section 360A(2)(a), (b) or (c).
Lessee or a person acting for the lessee	360C(3)	Power to apply to amend the description in a State lease if the description of the lease may be amended under section 360B(1)(a), (b), (c) or (d).
Applicant	360D(2)	Power to give notice of the applicant's intention to apply to any other person with a registered interest in the lease land.
Applicant	360D(3)	Power to give notice to any other person the applicant considers has an interest in the lease.

Division 8 – Easements

Entity power given to	Section of LANA	Description
Trustee	368(2)(a)	In certain circumstances, power to ask the Chief Executive to extinguish an easement.
Owner of land or public utility provider	371(2)	In certain circumstances, power to sign a document of surrender
Person who has a registered interest in the land	371(3)	Power to agree to surrender an easement.
Person	372(2)	Power to apply for the Minister's written approval to continue a public utility easement over unallocated state land.
Person	372(3)	Power to apply for the Minister's written approval to continue a public utility easement over a reserve.

Division 8A – Covenants

Entity power given to	Section of LANA	Description
Local Government as Covenantee	373A(1)	Power to make certain non-freehold land the subject of a covenant.
The trustee of trust land, the lessee of lease land or the sublessee of subleased land.	373A(2)	Power to consent to a document creating a covenant.
Person	373B(1)(a)	Power to sign a document creating a covenant.
Person	373C(2)(a)	Power to sign a document amending the covenant.
Covenantee	373D(2)	Power to sign a document releasing the covenant.

Division 8B – Profits a prendre

Entity power given to	Section of LANA	Description
Lessee	373L(a)	Power to ask the Chief Executive to extinguish the profit a prendre.

Division 11A – Caveats

Entity power given to	Section of LANA	Description
Caveatee	389H(1)	Power to apply to the Supreme Court for an order that a caveat lodged under this division be removed.

CHAPTER 7 – GENERAL

Part 2 – Unlawful occupation of non-freehold and trust land

Division 3 – Action by lessee, licensee, permittee or trustee

Entity power given to	Section of LANA	Description
Trustee or Lessee or Licensee or Permittee	415(1)	In certain circumstances, power to start a proceeding in the Magistrates Court.

Division 4 – Court matters

Entity power given to	Section of LANA	Description
Party	420	Power to appeal to the District Court on a question of law if dissatisfied with a trespass order.

Part 2A – General provisions for applications

Entity power given to	Section of LANA	Description
Entity	420CB(1)	Power to make a submission against the proposed application to: (a) the person who gave the entity the notice; or (b) the Chief Executive.

Part 3 – Review of decisions and appeals

Division 2 – Internal review of decisions

Entity power given to	Section of LANA	Description
Person who has a right of appeal against an original decision	423	Power to apply to the Minister for a review of the decision.
Applicant	425(1)	Power to apply for a stay of the decision to the Court.

Division 3 – Appeals

Entity power given to	Section of LANA	Description
A person who has applied for the review of a decision under division 2	427	Power to appeal to the Court if dissatisfied with the review decision.

Part 3B – Making land available for public use as beach

Entity power given to	Section of LANA	Description
Local Government	431V(3)	Power to consult with the owner of the lot.
Manager	431W(6)(a)	Power to authorise an officer or employee of the manager of a declared beach area, to enter the area at any time without notice to any other person.
Manager	431X(1)(b)(ii)	Power to authorise or direct a person acting in the performance of functions or powers.

Part 4 – Miscellaneous

Entity power given to	Section of LANA	Description
Offeree	442(4)	In certain circumstances, power to apply to the person who made the offer to extend the time stated in the offer or that otherwise applies under subsection (1).
Offeror	442(9)	Power to amend the offer by changing the price or premium to a price or premium decided by the offeror in the way prescribed by regulation.

CHAPTER 8 – CONTINUED RIGHTS AND TENURES

Part 5 – Licences and permits

Division 1 – Occupation licences

Entity power given to	Section of LANA	Description
Licensee	481A	Power to surrender, absolutely, all or part of an occupation licence: (a) on terms agreed to between the Minister and the licensee; (b) and with the Minister's written approval.
Public Utility Provider (an applicant)	481B(1)	Power to apply to cancel all or part of an occupation licence.
Licensee (an applicant)	481B(3)	Power to apply to surrender, absolutely, all or part of an occupation licence.
Applicant	481B(4)	Power to give notice of the applicant's intention to apply to each of the following: (a) if the applicant is not the licensee of the occupation licence – the licensee;

		(b) any other person with a registered interest in the occupation licence; (c) if the occupation licence is a designated occupation licence – the Chief Executive of the department having responsibility for the administration of the forest reserve, national park, State forest or timber reserve the subject of the designated occupation licence.
Applicant	481B(5)	Power to give notice to any other person the applicant considers has an interest in the occupation licence.
Licensee of occupation licence	481J(1)	Power to apply to remove licensee's improvements on a licence.

Part 7 – Tenures under other Acts

Division 1 – Sale to Local Authorities Land Act 1882

Entity power given to	Section of LANA	Description
Local Government	492(1)	In certain circumstances, power to apply to exchange a conditional deed for a reserve or deed of grant in trust with Council as trustee or a lease issued under the <i>Land Act 1994</i> .

CHAPTER 9 – TRANSITIONAL AND REPEAL PROVISIONS

Part 1K – Transitional provisions for Land, Water and Other Legislation Amendment Act 2013

Entity power given to	Section of LANA	Description
Lessee	521ZE(2)	Power to apply in writing to the Minister for the cancellation of the land management agreement for the lease.

Part 1M – Transitional provisions for Land and Other Legislation Amendment Act 2014

Entity power given to	Section of LANA	Description
Lessee of a lease	521ZL(2)	Power to agree to the renewal application being treated as an extension application and advise the Chief Executive of same.
Lessee of a lease	521ZM(2)	Power to advise the Chief Executive that the lessee wishes the lease to become a rolling term lease.

LIMITATIONS TO THE EXERCISE OF POWER

1. Where Council in its budget or by resolution allocates an amount for the expenditure of Council funds in relation to a particular matter, in exercising delegated power in relation to that matter, the delegate will only commit Council to reasonably foreseeable expenditure up to the amount allocated.
2. The delegate will not exercise any delegated power in relation to a matter which, to the delegate's knowledge, adversely affects, or is likely to adversely affect, Council's relations with the public at large.
3. The delegate will not exercise any delegated power contrary to a resolution or other decision of Council (including a policy decision relating to the matter).
4. The delegate will not exercise any delegated power in a manner, or which has the foreseeable effect, of being contrary to an adopted Council policy or procedure.
5. The delegate will only exercise a delegated power under this resolution in a manner which complies with the requirements of Council's Planning Scheme, and any exercise of power which involves a departure from or variation of those requirements will only be undertaken by Council.
6. The delegate will not exercise any delegated power which cannot lawfully be the subject of delegation by Council.

[2020 07 01 - LANA - Sub-Delegation Instrument]

Conditions imposed on all Delegations

1. Delegated powers must be read in the context of other powers and subject to conditions stipulated therein;
2. Delegated powers must be exercised consistently with the provisions of Local Government Acts or Regulations, Council Policies and Procedure, Local Laws and Subordinate Local Laws;
3. Any decisions must be made within the financial delegation of the delegate;
4. The delegate shall not give Council opinions and if opinions are to be provided, may only provide personal opinions of the delegate, not in an official capacity as an employee of the Council;
5. Delegated powers only apply to the delegate to the extent that they relate to a delegate's scope of duties as particularised in the Position Description pertaining to that delegate, or as otherwise approved in writing by the CEO or by Council Policy;
6. A delegate may not sub-delegate a power provided for in this Register to a subordinate staff member without the express written consent of the Chief Executive Officer or under a Policy or Procedure adopted by Council;
7. Any power that is not delegable under a Local Government Act or Regulation, shall not be delegable under this instrument;
8. All delegations are subject to conditions imposed in the original delegation to CEO contained in the Instrument of Delegations of Local Government;

9. Whilst exercising a power, the delegate must take into account Ailan Kastom as defined in section 6 of the *Torres Strait Islander Land Act 1991* (Qld).

INSTRUMENT OF DELEGATION

Torres Strait Island Regional Council ***Land Regulation 2020 ("LANR")***

Under section 257 of the *Local Government Act 2009*, Torres Strait Island Regional Council resolves to delegate the exercise of the powers contained in Schedule 1 to the Chief Executive Officer.

These powers must be exercised subject to the limitations contained in Schedule 2.

All prior resolutions delegating the same powers to the Chief Executive Officer are repealed.

Land Regulation 2020 ("LANR")**Part 3 – Matters affecting land holdings****Division 1 – Purchase price and valuations for particular purposes**

Entity power given to	Section of LANR	Description
Lessee	19	Power to appeal against the purchase price decision.

Part 4 – Rents and instalments**Division 2 – Categorisation of tenures for rental purposes*****Subdivision 3 – Allocating particular tenures to rental categories***

Entity power given to	Section of LANR	Description
Prospective lessee or licensee	31(3)	Power to appeal against the rental category decision.
Lessee	31(4)	In the circumstances stated in section 31(4), power to appeal against a decision of the Minister to change the rental category of the lease.
Prospective permittee	32(3)	Power to appeal against a decision of the chief executive to allocate the permit to a rental category for calculating the rent payable for the permit.

Part 8 – General**Division 2 – Declared beach areas*****Subdivision 2 – Use conditions***

Entity power given to	Section of LANR	Description
Manager of a declared beach area	85(1)	Power to form a reasonable belief that the closure of the declared beach area is necessary, and power to temporarily close the declared beach area.
Manager of a declared beach area	85(2)	Power to authorise a person to access a closed beach area.

LIMITATIONS TO THE EXERCISE OF POWER

1. Where Council in its budget or by resolution allocates an amount for the expenditure of Council funds in relation to a particular matter, in exercising delegated power in relation to that matter, the delegate will only commit Council to reasonably foreseeable expenditure up to the amount allocated.
2. The delegate will not exercise any delegated power in relation to a matter which, to the delegate's knowledge, adversely affects, or is likely to adversely affect, Council's relations with the public at large.
3. The delegate will not exercise any delegated power contrary to a resolution or other decision of Council (including a policy decision relating to the matter).
4. The delegate will not exercise any delegated power in a manner, or which has the foreseeable effect, of being contrary to an adopted Council policy or procedure.
5. The delegate will only exercise a delegated power under this resolution in a manner which complies with the requirements of Council's Planning Scheme, and any exercise of power which involves a departure from or variation of those requirements will only be undertaken by Council.
6. The delegate will not exercise any delegated power which cannot lawfully be the subject of delegation by Council.

[2020 07 01 - LANR - Delegation Instrument]

Conditions imposed on all Delegations

1. Delegated powers must be read in the context of other powers and subject to conditions stipulated therein;
2. Delegated powers must be exercised consistently with the provisions of Local Government Acts or Regulations, Council Policies and Procedure, Local Laws and Subordinate Local Laws;
3. Any decisions must be made within the financial delegation of the delegate;
4. The delegate shall not give Council opinions and if opinions are to be provided, may only provide personal opinions of the delegate, not in an official capacity as an employee of the Council;
5. Delegated powers only apply to the delegate to the extent that they relate to a delegate's scope of duties as particularised in the Position Description pertaining to that delegate, or as otherwise approved in writing by the CEO or by Council Policy;
6. A delegate may not sub-delegate a power provided for in this Register to a subordinate staff member without the express written consent of the Chief Executive Officer or under a Policy or Procedure adopted by Council;
7. Any power that is not delegable under a Local Government Act or Regulation, shall not be delegable under this instrument;
8. All delegations are subject to conditions imposed in the original delegation to CEO contained in the Instrument of Delegations of Local Government;

9. Whilst exercising a power, the delegate must take into account Ailan Kastom as defined in section 6 of the *Torres Strait Islander Land Act 1991* (Qld); and
10. All Powers delegated to the Chief Executive Officer in this Instrument shall be subject to prior Council consultation where exercise of such Power in all reasonable likelihood shall:
 -
 - a. impact on land and/or sea; and/or
 - b. involve payment of compensation regarding land; and/or
 - c. require a budget amendment.

DELEGABLE POWERS UNDER THE LAND REGULATION 2020 ("LANR")

Part 3 – Matters affecting land holdings

Division 1 – Purchase price and valuations for particular purposes

Entity power given to	Section of LANR	Description	Delegation to the CEO / Date of Resolution	Sub-Delegation to Officers	Date of Sub-Delegation	Limitations and Conditions
Lessee	19	Power to appeal against the purchase price decision.	N/A			

Part 4 – Rents and instalments

Division 2 – Categorisation of tenures for rental purposes

Subdivision 3 – Allocating particular tenures to rental categories

Entity power given to	Section of LANR	Description	Delegation to the CEO / Date of Resolution	Sub-Delegation to Officers	Date of Sub-Delegation	Limitations and Conditions
Prospective lessee or licensee	31(3)	Power to appeal against the rental category decision.	N/A			
Lessee	31(4)	In the circumstances stated in section 31(4), power to appeal against a decision of the Minister to change the rental category of the lease.	N/A			

Prospective permittee	32(3)	Power to appeal against a decision of the chief executive to allocate the permit to a rental category for calculating the rent payable for the permit.	N/A			
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Part 8 – General

Division 2 – Declared beach areas

Subdivision 2 – Use conditions

Entity power given to	Section of LANR	Description	Delegation to the CEO / Date of Resolution	Sub-Delegation to Officers	Date of Sub-Delegation	Limitations and Conditions
Manager of a declared beach area	85(1)	Power to form a reasonable belief that the closure of the declared beach area is necessary, and power to temporarily close the declared beach area.				Subject to consultation with the Divisional Councillor.
Manager of a declared beach area	85(2)	Power to authorise a person to access a closed beach area.				Subject to consultation with the Divisional Councillor.

[2020 07 01 - LANR - Delegation Table]

INSTRUMENT OF SUB-DELEGATION

Torres Strait Island Regional Council
Land Regulation 2020 ("LANR")

Under section 259 of the *Local Government Act 2009*, I, **Bruce Ranga**, Chief Executive Officer of **Torres Strait Island Regional Council**, delegate to those positions which are specified in Schedule 1, the exercise of the powers contained in Schedule 2.

These powers must be exercised subject to the limitations contained in Schedule 3.

This Instrument of Sub-Delegation repeals all prior Instruments sub-delegating to the positions specified in Schedule 1 the exercise of the powers contained in Schedule 2.

My authority to make these sub-delegations is conferred by the *Local Government Act 2009* and the resolution of **Torres Strait Island Regional Council** made on **Insert date** to delegate those powers to the Chief Executive Officer.

DATED this day of 2020.

Bruce Ranga
Chief Executive Officer
Torres Strait Island Regional Council

Position: Insert Position
Position Code: Insert Position Code

POWERS SUB-DELEGATED

Land Regulation 2020 ("LANR")

Part 3 – Matters affecting land holdings

Division 1 – Purchase price and valuations for particular purposes

Entity power given to	Section of LANR	Description
Lessee	19	Power to appeal against the purchase price decision.

Part 4 – Rents and instalments

Division 2 – Categorisation of tenures for rental purposes

Subdivision 3 – Allocating particular tenures to rental categories

Entity power given to	Section of LANR	Description
Prospective lessee or licensee	31(3)	Power to appeal against the rental category decision.
Lessee	31(4)	In the circumstances stated in section 31(4), power to appeal against a decision of the Minister to change the rental category of the lease.
Prospective permittee	32(3)	Power to appeal against a decision of the chief executive to allocate the permit to a rental category for calculating the rent payable for the permit.

Part 8 – General

Division 2 – Declared beach areas

Subdivision 2 – Use conditions

Entity power given to	Section of LANR	Description
Manager of a declared beach area	85(1)	Power to form a reasonable belief that the closure of the declared beach area is necessary, and power to temporarily close the declared beach area.
Manager of a declared beach area	85(2)	Power to authorise a person to access a closed beach area.

LIMITATIONS TO THE EXERCISE OF POWER

7. Where Council in its budget or by resolution allocates an amount for the expenditure of Council funds in relation to a particular matter, in exercising delegated power in relation to that matter, the delegate will only commit Council to reasonably foreseeable expenditure up to the amount allocated.
8. The delegate will not exercise any delegated power in relation to a matter which, to the delegate's knowledge, adversely affects, or is likely to adversely affect, Council's relations with the public at large.
9. The delegate will not exercise any delegated power contrary to a resolution or other decision of Council (including a policy decision relating to the matter).
10. The delegate will not exercise any delegated power in a manner, or which has the foreseeable effect, of being contrary to an adopted Council policy or procedure.
11. The delegate will only exercise a delegated power under this resolution in a manner which complies with the requirements of Council's Planning Scheme, and any exercise of power which involves a departure from or variation of those requirements will only be undertaken by Council.
12. The delegate will not exercise any delegated power which cannot lawfully be the subject of delegation by Council.

[2020 07 01 - LANR - Sub-Delegation Instrument]

Conditions imposed on all Delegations

1. Delegated powers must be read in the context of other powers and subject to conditions stipulated therein;
2. Delegated powers must be exercised consistently with the provisions of Local Government Acts or Regulations, Council Policies and Procedure, Local Laws and Subordinate Local Laws;
3. Any decisions must be made within the financial delegation of the delegate;
4. The delegate shall not give Council opinions and if opinions are to be provided, may only provide personal opinions of the delegate, not in an official capacity as an employee of the Council;
5. Delegated powers only apply to the delegate to the extent that they relate to a delegate's scope of duties as particularised in the Position Description pertaining to that delegate, or as otherwise approved in writing by the CEO or by Council Policy;
6. A delegate may not sub-delegate a power provided for in this Register to a subordinate staff member without the express written consent of the Chief Executive Officer or under a Policy or Procedure adopted by Council;
7. Any power that is not delegable under a Local Government Act or Regulation, shall not be delegable under this instrument;
8. All delegations are subject to conditions imposed in the original delegation to CEO contained in the Instrument of Delegations of Local Government;

9. Whilst exercising a power, the delegate must take into account Ailan Kastom as defined in section 6 of the *Torres Strait Islander Land Act 1991* (Qld).

INSTRUMENT OF DELEGATION

Torres Strait Island Regional Council ***Land Title Act 1994 ("LATA")***

Under section 257 of the *Local Government Act 2009*, Torres Strait Island Regional Council resolves to delegate the exercise of the powers contained in Schedule 1 to the Chief Executive Officer.

These powers must be exercised subject to the limitations contained in Schedule 2.

All prior resolutions delegating the same powers to the Chief Executive Officer are repealed.

Land Title Act 1994 ("LATA")**Part 4 – Registration of land****Division 3 – Plans of subdivision**

Entity power given to	Section of LATA	Description
Registered Owner	50(1)(b)(i)	Power to include a statement agreeing to the plan and dedicating the public use land.

Division 3A – Dedication of road by notice

Entity power given to	Section of LATA	Description
Registered Owner	54(1)	Power to sign and lodge for registration a dedication notice.

Part 6 – Dealings directly affecting lots**Division 1 – Transfers**

Entity power given to	Section of LATA	Description
Local Government	60(1)	Power to sign and lodge for registration an instrument of transfer for a lot or interest.

Division 2 – Leases

Entity power given to	Section of LATA	Description
Local Government	64	Power to sign and lodge for registration an instrument of lease for a lot or part of a lot.
Local Government	67(1)	Power to sign and lodge an instrument of amendment of the lease.
Lessor	68(1)	Power to sign and lodge a request for the registrar to register the re-entry.
Lessor or Lessee	69(1)	Power to execute and lodge for registration an instrument of surrender.

Division 4 – Easements

Entity power given to	Section of LATA	Description
Local Government	82(1)	Power to sign and lodge for registration an instrument of easement.
Registered Owner / Lessee / Person entitled to land / Public Utility Provider	83(1)(b)	Power to sign an instrument of easement.
Local Government	83(2)(b)	In certain circumstances, power to approve a plan of survey.
Registered Owner	87(a)	Power to ask the registrar to extinguish the easement.

Local government	90(1)	Power to sign and lodge for registration an instrument of surrender of an easement.
Local Government	91(1)	Power to sign and lodge for registration an instrument of amendment of the easement.

Division 4AA – High-density development easements

Entity power given to	Section of LATA	Description
Owner of the benefitted lot	95(7)(c)	Power to give written consent to an owner of a burdened lot to remove, change or otherwise interfere with any support.
Owner of the benefitted lot	96A(5)	Power to provide written consent to an owner of a burdened lot to remove, change or otherwise interfere with any projection.
Owner of the benefitted lot	96C(6)	Power to provide written consent to an owner of a burdened lot to: (a) remove, change or otherwise interfere with the roof water drainage structure; or (b) obstruct or otherwise interfere with the flow of water through the structure.

Division 4A – Covenants

Entity power given to	Section of LATA	Description
Local Government	97A(1)	Power to sign and lodge for registration an instrument of covenant.
Local Government	97C(1)	Power to sign and lodge for registration an instrument of amendment of the covenant.
Local Government	97D(1)	Power to sign and lodge for registration an instrument releasing a covenant.

Division 4B – Profits a prendre

Entity power given to	Section of LATA	Description
Local Government	97E	Power to sign and lodge for registration an instrument of profit a prendre.
Local Government	97K(1)	Power to sign and lodge for registration an instrument of amendment of the profit a prendre.

Division 4C – Carbon abatement interests

Subdivision 2 – Creation and registration

Entity power given to	Section of LATA	Description
Local Government	97O(1)(a)	Power to sign and lodge for registration an instrument of carbon abatement interest.
Holders of the registered interests in the land	97P(c)	Power to consent to the proposed grant of a carbon abatement interest.

Subdivision 3 – Amendments and dealings

Entity power given to	Section of LATA	Description
Local Government	97S(1)	Power to sign and lodge for registration an instrument of amendment of a carbon abatement interest.

Division 5 – Application by adverse possessor

Entity power given to	Section of LATA	Description
Person who claims an interest in the lot	104	Power to sign and lodge a caveat.
Caveator	105(2)	Power to: (a) start a proceeding in the Supreme Court to recover the lot; and (b) give written notice to the registrar, in the way the registrar requires, that the proceeding has started.
Caveator	106	Power to seek leave of the Supreme Court to lodge a further caveat.
Caveator	107(2)	Power to start a proceeding in the Supreme Court to recover a lot.
Applicant	108A(2)	Power to sign a plan of subdivision.

Part 7 – Other dealings

Division 1 – Writs of execution

Entity power given to	Section of LATA	Description
Local Government	116	Power to sign and lodge a request to register a writ of execution.

Division 2 – Caveats

Entity power given to	Section of LATA	Description
Caveator	121(1)	Power to sign a caveat.
A person mentioned in s. 122(1)	122(1)	Power to lodge for registration a caveat.
Caveator	124(2)(b)	Power to consent to the registration of an instrument.
Caveator	125	Power to sign and lodge for registration a request to withdraw a caveat.
Caveatee	126(2)	Power to serve a notice requiring the caveator to start a proceeding in a Court of competent jurisdiction to establish the interest claimed under the caveat.
Caveator	126(4)	Power to start a proceeding and notify the registrar in the way described in section 126(4).
Caveatee	127(1)	Power to apply to the Supreme Court for an order that a caveat be removed.
Caveator or Caveatee	128(1)	Power to sign and lodge for registration a request to cancel a caveat.

Part 7A – Priority notices

Entity power given to	Section of LATA	Description
Person	139(1)	Power to deposit a priority notice.
Person	139(2)	Power to sign a priority notice.
Person	141(1)	Power to deposit an extension request
Person	141(2)	Power to sign and extension request
Person	143(1)	Power to deposit a request to withdraw a priority notice.
Person	143(2)	Power to sign a request to withdraw a priority notice.
An affected person	144(1)	Power to apply to the Supreme Court for an order that a priority notice be removed.
Person	145(1)(a)	Power to deposit a request to cancel a priority notice.
Person	149(1)	Power to deposit a request to correct a priority notice.

Part 8 – Instruments**Division 2 – Standard terms documents forming part of instruments**

Entity power given to	Section of LATA	Description
Local Government	169(1)	Power to lodge a standard terms document and lodge a further standard terms document amending the standard terms document.
Local Government	172(1)	Power to ask the registrar to withdraw a registered standard terms document.

LIMITATIONS TO THE EXERCISE OF POWER

1. Where Council in its budget or by resolution allocates an amount for the expenditure of Council funds in relation to a particular matter, in exercising delegated power in relation to that matter, the delegate will only commit Council to reasonably foreseeable expenditure up to the amount allocated.
2. The delegate will not exercise any delegated power in relation to a matter which, to the delegate's knowledge, adversely affects, or is likely to adversely affect, Council's relations with the public at large.
3. The delegate will not exercise any delegated power contrary to a resolution or other decision of Council (including a policy decision relating to the matter).
4. The delegate will not exercise any delegated power in a manner, or which has the foreseeable effect, of being contrary to an adopted Council policy or procedure.
5. The delegate will only exercise a delegated power under this resolution in a manner which complies with the requirements of Council's Planning Scheme, and any exercise of power which involves a departure from or variation of those requirements will only be undertaken by Council.
6. The delegate will not exercise any delegated power which cannot lawfully be the subject of delegation by Council.

[2019 03 29 - LATA - Delegation Instrument]

Conditions imposed on all Delegations

1. Delegated powers must be read in the context of other powers and subject to conditions stipulated therein;
2. Delegated powers must be exercised consistently with the provisions of Local Government Acts or Regulations, Council Policies and Procedure, Local Laws and Subordinate Local Laws;
3. Any decisions must be made within the financial delegation of the delegate;
4. The delegate shall not give Council opinions and if opinions are to be provided, may only provide personal opinions of the delegate, not in an official capacity as an employee of the Council;
5. Delegated powers only apply to the delegate to the extent that they relate to a delegate's scope of duties as particularised in the Position Description pertaining to that delegate, or as otherwise approved in writing by the CEO or by Council Policy;
6. A delegate may not sub-delegate a power provided for in this Register to a subordinate staff member without the express written consent of the Chief Executive Officer or under a Policy or Procedure adopted by Council;
7. Any power that is not delegable under a Local Government Act or Regulation, shall not be delegable under this instrument;

8. All delegations are subject to conditions imposed in the original delegation to CEO contained in the Instrument of Delegations of Local Government;
9. Whilst exercising a power, the delegate must take into account Ailan Kastom as defined in section 6 of the *Torres Strait Islander Land Act 1991* (Qld).; and
10. All Powers delegated to the Chief Executive Officer in this Instrument shall be subject to prior Council consultation where exercise of such Power in all reasonable likelihood shall:
 -
 - a. impact on land and/or sea; and/or
 - b. involve payment of compensation regarding land; and/or
 - c. require a budget amendment.

DELEGABLE POWERS UNDER THE LAND TITLE ACT 1994 ("LATA")

Part 4 – Registration of land

Division 3 – Plans of subdivision

Entity power given to	Section of LATA	Description	Delegation to the CEO / Date of Resolution	Sub-Delegation to Officers	Date of Sub-Delegation	Limitations and Conditions
Registered Owner	50(1)(b)(i)	Power to include a statement agreeing to the plan and dedicating the public use land.	Delegation of this power to be made on a case-by-case basis only.			

Division 3A – Dedication of road by notice

Entity power given to	Section of LATA	Description	Delegation to the CEO / Date of Resolution	Sub-Delegation to Officers	Date of Sub-Delegation	Limitations and Conditions
Registered Owner	54(1)	Power to sign and lodge for registration a dedication notice.	Delegation of this power to be made on a case-by-case basis only.			

Part 6 – Dealings directly affecting lots

Division 1 – Transfers

Entity power given to	Section of LATA	Description	Delegation to the CEO / Date of Resolution	Sub-Delegation to Officers	Date of Sub-Delegation	Limitations and Conditions
Local Government	60(1)	Power to sign and lodge for registration an instrument of transfer for a lot or interest.	Delegation of this power to be made			For Torres Strait Islander Freehold and Deed of Grant

			on a case-by-case basis only.			in Trust land, a Trustee resolution is required. Where a development permit is required, a local government resolution is also required.
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Division 2 – Leases

Entity power given to	Section of LATA	Description	Delegation to the CEO / Date of Resolution	Sub-Delegation to Officers	Date of Sub-Delegation	Limitations and Conditions
Local Government	64	Power to sign and lodge for registration an instrument of lease for a lot or part of a lot.	Delegation of this power to be made on a case-by-case basis only.			For Torres Strait Islander Freehold and Deed of Grant in Trust land, a Trustee resolution is required. Where a development permit is required, a local government resolution is also required.
Local Government	67(1)	Power to sign and lodge an instrument of amendment of the lease.	Delegation of this power to be made on a case-by-case basis only.			For Torres Strait Islander Freehold and Deed of Grant in Trust land, a Trustee resolution is required. Where a development permit is required, a local government resolution is also required.

Lessor	68(1)	Power to sign and lodge a request for the registrar to register the re-entry.	Delegation of this power to be made on a case-by-case basis only.			
Lessor or Lessee	69(1)	Power to execute and lodge for registration an instrument of surrender.	Delegation of this power to be made on a case-by-case basis only.			

Division 4 – Easements

Entity power given to	Section of LATA	Description	Delegation to the CEO / Date of Resolution	Sub-Delegation to Officers	Date of Sub-Delegation	Limitations and Conditions
Local Government	82(1)	Power to sign and lodge for registration an instrument of easement.	Delegation of this power to be made on a case-by-case basis only.			
Registered Owner / Lessee / Person entitled to land / Public Utility Provider	83(1)(b)	Power to sign an instrument of easement.	Delegation of this power to be made on a case-by-case basis only.			
Local Government	83(2)(b)	In certain circumstances, power to approve a plan of survey.	Delegation of this power to be made on a case-by-case basis only.			
Registered Owner	87(a)	Power to ask the registrar to extinguish the easement.	Delegation of this power to be made on a case-by-case basis only.			

Local government	90(1)	Power to sign and lodge for registration an instrument of surrender of an easement.	Delegation of this power to be made on a case-by-case basis only.			
Local Government	91(1)	Power to sign and lodge for registration an instrument of amendment of the easement.	Delegation of this power to be made on a case-by-case basis only.			

Division 4AA – High-density development easements

Entity power given to	Section of LATA	Description	Delegation to the CEO / Date of Resolution	Sub-Delegation to Officers	Date of Sub-Delegation	Limitations and Conditions
Owner of the benefitted lot	95(7)(c)	Power to give written consent to an owner of a burdened lot to remove, change or otherwise interfere with any support.	N/A			
Owner of the benefitted lot	96A(5)	Power to provide written consent to an owner of a burdened lot to remove, change or otherwise interfere with any projection.	N/A			
Owner of the benefitted lot	96C(6)	Power to provide written consent to an owner of a burdened lot to: (a) remove, change or otherwise interfere with the roof water drainage structure; or (b) obstruct or otherwise interfere with the flow of water through the structure.	N/A			

Division 4A – Covenants

Entity power given to	Section of LATA	Description	Delegation to the CEO / Date of Resolution	Sub-Delegation to Officers	Date of Sub-Delegation	Limitations and Conditions
Local Government	97A(1)	Power to sign and lodge for registration an instrument of covenant.	Delegation of this power to be made on a case-by-case basis only.			
Local Government	97C(1)	Power to sign and lodge for registration an instrument of amendment of the covenant.	Delegation of this power to be made on a case-by-case basis only.			
Local Government	97D(1)	Power to sign and lodge for registration an instrument releasing a covenant.	Delegation of this power to be made on a case-by-case basis only.			

Division 4B – Profits a prendre

Entity power given to	Section of LATA	Description	Delegation to the CEO / Date of Resolution	Sub-Delegation to Officers	Date of Sub-Delegation	Limitations and Conditions
Local Government	97E	Power to sign and lodge for registration an instrument of profit a prendre.	Delegation of this power to be made on a case-by-case basis only.			
Local Government	97K(1)	Power to sign and lodge for registration an instrument of amendment of the profit a prendre.	Delegation of this power to be made on a case-by-case basis only.			

Division 4C – Carbon abatement interests

Subdivision 2 – Creation and registration

Entity power given to	Section of LATA	Description	Delegation to the CEO / Date of Resolution	Sub-Delegation to Officers	Date of Sub-Delegation	Limitations and Conditions
Local Government	97O(1)(a)	Power to sign and lodge for registration an instrument of carbon abatement interest.	Delegation of this power to be made on a case-by-case basis only.			
Holders of the registered interests in the land	97P(c)	Power to consent to the proposed grant of a carbon abatement interest.	Delegation of this power to be made on a case-by-case basis only.			

Subdivision 3 – Amendments and dealings

Entity power given to	Section of LATA	Description	Delegation to the CEO / Date of Resolution	Sub-Delegation to Officers	Date of Sub-Delegation	Limitations and Conditions
Local Government	97S(1)	Power to sign and lodge for registration an instrument of amendment of a carbon abatement interest.	Delegation of this power to be made on a case-by-case basis only.			

Division 5 – Application by adverse possessor

Entity power given to	Section of LATA	Description	Delegation to the CEO / Date of Resolution	Sub-Delegation to Officers	Date of Sub-Delegation	Limitations and Conditions
Person who claims an interest in the lot	104	Power to sign and lodge a caveat.	Delegation of this power to be made on a case-by-case basis only.			
Caveator	105(2)	Power to:				

		(a) start a proceeding in the Supreme Court to recover the lot; and (b) give written notice to the registrar, in the way the registrar requires, that the proceeding has started.				
Caveator	106	Power to seek leave of the Supreme Court to lodge a further caveat.	Delegation of this power to be made on a case-by-case basis only.			
Caveator	107(2)	Power to start a proceeding in the Supreme Court to recover a lot.	Delegation of this power to be made on a case-by-case basis only.			
Applicant	108A(2)	Power to sign a plan of subdivision.	Delegation of this power to be made on a case-by-case basis only.			

Part 7 – Other dealings

Division 1 – Writs of execution

Entity power given to	Section of LATA	Description	Delegation to the CEO / Date of Resolution	Sub-Delegation to Officers	Date of Sub-Delegation	Limitations and Conditions
Local Government	116	Power to sign and lodge a request to register a writ of execution.	Delegation of this power to be made on a case-by-case basis only.			

Division 2 – Caveats

Entity power given to	Section of LATA	Description	Delegation to the CEO / Date of Resolution	Sub-Delegation to Officers	Date of Sub-Delegation	Limitations and Conditions
Caveator	121(1)	Power to sign a caveat.	Subject to consultation with Mayor			
A person mentioned in s. 122(1)	122(1)	Power to lodge for registration a caveat.	Subject to consultation with Mayor			
Caveator	124(2)(b)	Power to consent to the registration of an instrument.	Subject to consultation with Mayor			
Caveator	125	Power to sign and lodge for registration a request to withdraw a caveat.	Subject to consultation with Mayor			
Caveatee	126(2)	Power to serve a notice requiring the caveator to start a proceeding in a Court of competent jurisdiction to establish the interest claimed under the caveat.	Subject to consultation with Mayor			
Caveator	126(4)	Power to start a proceeding and notify the registrar in the way described in section 126(4).	Subject to consultation with Mayor			
Caveatee	127(1)	Power to apply to the Supreme Court for an order that a caveat be removed.	Subject to consultation with Mayor			
Caveator or Caveatee	128(1)	Power to sign and lodge for registration a request to cancel a caveat.	Subject to consultation with Mayor			

Part 7A – Priority notices

Entity power given to	Section of LATA	Description	Delegation to the CEO / Date of Resolution	Sub-Delegation to Officers	Date of Sub-Delegation	Limitations and Conditions
Person	139(1)	Power to deposit a priority notice.	Subject to consultation with Mayor			
Person	139(2)	Power to sign a priority notice.	Subject to consultation with Mayor			
Person	141(1)	Power to deposit an extension request	Subject to consultation with Mayor			
Person	141(2)	Power to sign and extension request	Subject to consultation with Mayor			
Person	143(1)	Power to deposit a request to withdraw a priority notice.	Subject to consultation with Mayor			
Person	143(2)	Power to sign a request to withdraw a priority notice.	Subject to consultation with Mayor			
An affected person	144(1)	Power to apply to the Supreme Court for an order that a priority notice be removed.	Subject to consultation with Mayor			
Person	145(1)(a)	Power to deposit a request to cancel a priority notice.	Subject to consultation with Mayor			
Person	149(1)	Power to deposit a request to correct a priority notice.	Subject to consultation with Mayor			

Part 8 – Instruments

**Division 2 – Standard terms documents forming
part of instruments**

Entity power given to	Section of LATA	Description	Delegation to the CEO / Date of Resolution	Sub-Delegation to Officers	Date of Sub-Delegation	Limitations and Conditions
Local Government	169(1)	Power to lodge a standard terms document and lodge a further standard terms document amending the standard terms document.				
Local Government	172(1)	Power to ask the registrar to withdraw a registered standard terms document.				

[2019 03 29 - LATA - Delegation Table]

INSTRUMENT OF SUB-DELEGATION

Torres Strait Island Regional Council
Land Title Act 1994 ("LATA")

Under section 259 of the *Local Government Act 2009*, I, **Bruce Ranga**, Chief Executive Officer of **Torres Strait Island Regional Council**, delegate to those positions which are specified in Schedule 1, the exercise of the powers contained in Schedule 2.

These powers must be exercised subject to the limitations contained in Schedule 3.

This Instrument of Sub-Delegation repeals all prior Instruments sub-delegating to the positions specified in Schedule 1 the exercise of the powers contained in Schedule 2.

My authority to make these sub-delegations is conferred by the *Local Government Act 2009* and the resolution of **Torres Strait Island Regional Council** made on **Insert date** to delegate those powers to the Chief Executive Officer.

DATED this _____ day of _____ 2020.

Bruce Ranga
Chief Executive Officer
Torres Strait Island Regional Council

Position: Insert Position
Position Code: Insert Position Code

POWERS SUB-DELEGATED

Land Title Act 1994 ("LATA")

Part 4 – Registration of land

Division 3 – Plans of subdivision

Entity power given to	Section of LATA	Description
Registered Owner	50(1)(b)(i)	Power to include a statement agreeing to the plan and dedicating the public use land.

Division 3A – Dedication of road by notice

Entity power given to	Section of LATA	Description
Registered Owner	54(1)	Power to sign and lodge for registration a dedication notice.

Part 6 – Dealings directly affecting lots

Division 1 – Transfers

Entity power given to	Section of LATA	Description
Local Government	60(1)	Power to sign and lodge for registration an instrument of transfer for a lot or interest.

Division 2 – Leases

Entity power given to	Section of LATA	Description
Local Government	64	Power to sign and lodge for registration an instrument of lease for a lot or part of a lot.
Local Government	67(1)	Power to sign and lodge an instrument of amendment of the lease.
Lessor	68(1)	Power to sign and lodge a request for the registrar to register the re-entry.
Lessor or Lessee	69(1)	Power to execute and lodge for registration an instrument of surrender.

Division 4 – Easements

Entity power given to	Section of LATA	Description
Local Government	82(1)	Power to sign and lodge for registration an instrument of easement.
Registered Owner / Lessee / Person entitled to land / Public Utility Provider	83(1)(b)	Power to sign an instrument of easement.

Local Government	83(2)(b)	In certain circumstances, power to approve a plan of survey.
Registered Owner	87(a)	Power to ask the registrar to extinguish the easement.
Local government	90(1)	Power to sign and lodge for registration an instrument of surrender of an easement.
Local Government	91(1)	Power to sign and lodge for registration an instrument of amendment of the easement.

Division 4AA – High-density development easements

Entity power given to	Section of LATA	Description
Owner of the benefitted lot	95(7)(c)	Power to give written consent to an owner of a burdened lot to remove, change or otherwise interfere with any support.
Owner of the benefitted lot	96A(5)	Power to provide written consent to an owner of a burdened lot to remove, change or otherwise interfere with any projection.
Owner of the benefitted lot	96C(6)	Power to provide written consent to an owner of a burdened lot to: (a) remove, change or otherwise interfere with the roof water drainage structure; or (b) obstruct or otherwise interfere with the flow of water through the structure.

Division 4A – Covenants

Entity power given to	Section of LATA	Description
Local Government	97A(1)	Power to sign and lodge for registration an instrument of covenant.
Local Government	97C(1)	Power to sign and lodge for registration an instrument of amendment of the covenant.
Local Government	97D(1)	Power to sign and lodge for registration an instrument releasing a covenant.

Division 4B – Profits a prendre

Entity power given to	Section of LATA	Description
Local Government	97E	Power to sign and lodge for registration an instrument of profit a prendre.
Local Government	97K(1)	Power to sign and lodge for registration an instrument of amendment of the profit a prendre.

Division 4C – Carbon abatement interests

Subdivision 2 – Creation and registration

Entity power given to	Section of LATA	Description
Local Government	97O(1)(a)	Power to sign and lodge for registration an instrument of carbon abatement interest.
Holders of the registered interests in the land	97P(c)	Power to consent to the proposed grant of a carbon abatement interest.

Subdivision 3 – Amendments and dealings

Entity power given to	Section of LATA	Description
Local Government	97S(1)	Power to sign and lodge for registration an instrument of amendment of a carbon abatement interest.

Division 5 – Application by adverse possessor

Entity power given to	Section of LATA	Description
Person who claims an interest in the lot	104	Power to sign and lodge a caveat.
Caveator	105(2)	Power to: (a) start a proceeding in the Supreme Court to recover the lot; and (b) give written notice to the registrar, in the way the registrar requires, that the proceeding has started.
Caveator	106	Power to seek leave of the Supreme Court to lodge a further caveat.
Caveator	107(2)	Power to start a proceeding in the Supreme Court to recover a lot.
Applicant	108A(2)	Power to sign a plan of subdivision.

Part 7 – Other dealings

Division 1 – Writs of execution

Entity power given to	Section of LATA	Description
Local Government	116	Power to sign and lodge a request to register a writ of execution.

Division 2 – Caveats

Entity power given to	Section of LATA	Description
Caveator	121(1)	Power to sign a caveat.
A person mentioned in s. 122(1)	122(1)	Power to lodge for registration a caveat.
Caveator	124(2)(b)	Power to consent to the registration of an instrument.
Caveator	125	Power to sign and lodge for registration a request to withdraw a caveat.
Caveatee	126(2)	Power to serve a notice requiring the caveator to start a proceeding in a Court of competent jurisdiction to establish the interest claimed under the caveat.
Caveator	126(4)	Power to start a proceeding and notify the registrar in the way described in section 126(4).
Caveatee	127(1)	Power to apply to the Supreme Court for an order that a caveat be removed.
Caveator or Caveatee	128(1)	Power to sign and lodge for registration a request to cancel a caveat.

Part 7A – Priority notices

Entity power given to	Section of LATA	Description
Person	139(1)	Power to deposit a priority notice.
Person	139(2)	Power to sign a priority notice.
Person	141(1)	Power to deposit an extension request
Person	141(2)	Power to sign and extension request
Person	143(1)	Power to deposit a request to withdraw a priority notice.
Person	143(2)	Power to sign a request to withdraw a priority notice.
An affected person	144(1)	Power to apply to the Supreme Court for an order that a priority notice be removed.
Person	145(1)(a)	Power to deposit a request to cancel a priority notice.
Person	149(1)	Power to deposit a request to correct a priority notice.

Part 8 – Instruments**Division 2 – Standard terms documents forming part of instruments**

Entity power given to	Section of LATA	Description
Local Government	169(1)	Power to lodge a standard terms document and lodge a further standard terms document amending the standard terms document.
Local Government	172(1)	Power to ask the registrar to withdraw a registered standard terms document.

LIMITATIONS TO THE EXERCISE OF POWER

7. Where Council in its budget or by resolution allocates an amount for the expenditure of Council funds in relation to a particular matter, in exercising delegated power in relation to that matter, the delegate will only commit Council to reasonably foreseeable expenditure up to the amount allocated.
8. The delegate will not exercise any delegated power in relation to a matter which, to the delegate's knowledge, adversely affects, or is likely to adversely affect, Council's relations with the public at large.
9. The delegate will not exercise any delegated power contrary to a resolution or other decision of Council (including a policy decision relating to the matter).
10. The delegate will not exercise any delegated power in a manner, or which has the foreseeable effect, of being contrary to an adopted Council policy or procedure.
11. The delegate will only exercise a delegated power under this resolution in a manner which complies with the requirements of Council's Planning Scheme, and any exercise of power which involves a departure from or variation of those requirements will only be undertaken by Council.
12. The delegate will not exercise any delegated power which cannot lawfully be the subject of delegation by Council.

[2019 03 29 - LATA - Sub-Delegation Instrument]

Conditions imposed on all Delegations

11. Delegated powers must be read in the context of other powers and subject to conditions stipulated therein;
12. Delegated powers must be exercised consistently with the provisions of Local Government Acts or Regulations, Council Policies and Procedure, Local Laws and Subordinate Local Laws;
13. Any decisions must be made within the financial delegation of the delegate;
14. The delegate shall not give Council opinions and if opinions are to be provided, may only provide personal opinions of the delegate, not in an official capacity as an employee of the Council;
15. Delegated powers only apply to the delegate to the extent that they relate to a delegate's scope of duties as particularised in the Position Description pertaining to that delegate, or as otherwise approved in writing by the CEO or by Council Policy;
16. A delegate may not sub-delegate a power provided for in this Register to a subordinate staff member without the express written consent of the Chief Executive Officer or under a Policy or Procedure adopted by Council;
17. Any power that is not delegable under a Local Government Act or Regulation, shall not be delegable under this instrument;
18. All delegations are subject to conditions imposed in the original delegation to CEO contained in the Instrument of Delegations of Local Government;

- 19.** Whilst exercising a power, the delegate must take into account Ailan Kastom as defined in section 6 of the *Torres Strait Islander Land Act 1991* (Qld); and
- 20.** All Powers delegated to the Chief Executive Officer in this Instrument shall be subject to prior Council consultation where exercise of such Power in all reasonable likelihood shall:
- - a. impact on land and/or sea; and/or
 - b. involve payment of compensation regarding land; and/or
 - c. require a budget amendment.

INSTRUMENT OF DELEGATION

Torres Strait Island Regional Council ***Liquor Act 1992 ("LIQA")***

Under section 257 of the *Local Government Act 2009*, Torres Strait Island Regional Council resolves to delegate the exercise of the powers contained in Schedule 1 to the Chief Executive Officer.

These powers must be exercised subject to the limitations contained in Schedule 2.

All prior resolutions delegating the same powers to the Chief Executive Officer are repealed.

Liquor Act 1992 ("LIQA")**Part 5 – Grant, variation and transfer of licences and permits and related matters****Division 1 – Applications**

Entity power given to	Section of LIQA	Description
Local Government	105B(1)	Power to consent to an application for an adult entertainment permit.
Local Government	105B(4)	Power to abstain from consenting to the application for an adult entertainment permit.
Local Government	117(2)	In the specified circumstances, the power to: <ul style="list-style-type: none"> (a) comment on the reasonable requirements of the public in the locality; or (b) object to the grant of an application on the grounds that the amenity, quiet or good order of the locality would be lessened.
Local Government	117A(2)	In the specified circumstances, the power to comment on, or object to, an application by given written comments or objections to the Chief Executive within 28 days after receiving the chief executive's advice about the application.

Part 6 – Obligatory provisions and offences**Division 4 – Provisions concerning consumption of liquor in certain public places**

Entity power given to	Section of LIQA	Description
Local Government	173C(1)	Power to designate a public place mentioned in section 173B(1)(a) of the <i>Liquor Act 1992</i> that is in Council's area as a public place where liquor may be consumed.
Local Government	173C(2)	Power to specify the period or times during which the designation is to have effect.
Local Government	173D(6)	In the specified circumstances, the power to provide written approval for the use of a public place mentioned in section 173D(5) of the <i>Liquor Act 1992</i> .
Local Government	173E(1)	Power to repeal or amend a designation under section 173C of the <i>Liquor Act 1992</i> .
Local Government	173N(4)	Power to give the Queensland Police a written notice of suspension of designation of a public place in a restricted area.

Part 6AB –**Safe night precincts****Division 3 – Provisions that apply when a safe
night precinct has a local board**

Entity power given to	Section of LIQA	Description
Chief Executive Officer	173NH(2) (d)	Power to nominate an employee of the local government for the local government area as a member of a consultative committee for a safe night precinct.

LIMITATIONS TO THE EXERCISE OF POWER

1. Where Council in its budget or by resolution allocates an amount for the expenditure of Council funds in relation to a particular matter, in exercising delegated power in relation to that matter, the delegate will only commit Council to reasonably foreseeable expenditure up to the amount allocated.
2. The delegate will not exercise any delegated power in relation to a matter which, to the delegate's knowledge, adversely affects, or is likely to adversely affect, Council's relations with the public at large.
3. The delegate will not exercise any delegated power contrary to a resolution or other decision of Council (including a policy decision relating to the matter).
4. The delegate will not exercise any delegated power in a manner, or which has the foreseeable effect, of being contrary to an adopted Council policy or procedure.
5. The delegate will only exercise a delegated power under this resolution in a manner which complies with the requirements of Council's Planning Scheme, and any exercise of power which involves a departure from or variation of those requirements will only be undertaken by Council.
6. The delegate will not exercise any delegated power which cannot lawfully be the subject of delegation by Council.

[2019 04 01 - LIQA - Delegation Instrument]

Conditions imposed on all Delegations

1. Delegated powers must be read in the context of other powers and subject to conditions stipulated therein;
2. Delegated powers must be exercised consistently with the provisions of Local Government Acts or Regulations, Council Policies and Procedure, Local Laws and Subordinate Local Laws;
3. Any decisions must be made within the financial delegation of the delegate;
4. The delegate shall not give Council opinions and if opinions are to be provided, may only provide personal opinions of the delegate, not in an official capacity as an employee of the Council;
5. Delegated powers only apply to the delegate to the extent that they relate to a delegate's scope of duties as particularised in the Position Description pertaining to that delegate, or as otherwise approved in writing by the CEO or by Council Policy;
6. A delegate may not sub-delegate a power provided for in this Register to a subordinate staff member without the express written consent of the Chief Executive Officer or under a Policy or Procedure adopted by Council;
7. Any power that is not delegable under a Local Government Act or Regulation, shall not be delegable under this instrument;
8. All delegations are subject to conditions imposed in the original delegation to CEO contained in the Instrument of Delegations of Local Government;

9. Whilst exercising a power, the delegate may take into account Ailan Kastom (section 9(3) LGA 2009); and
10. All Powers delegated to the Chief Executive Officer in this Instrument shall be subject to prior Council consultation where exercise of such Power in all reasonable likelihood shall:
 -
 - a. impact on land and/or sea; and/or
 - b. involve payment of compensation regarding land; and/or
 - c. require a budget amendment.

DELEGABLE POWERS UNDER THE LIQUOR ACT 1992 ("LIQA")

Part 5 – Grant, variation and transfer of licences and permits and related matters

Division 1 – Applications

Entity power given to	Section of LIQA	Description	Delegation to the CEO / Date of Resolution	Sub-Delegation to Officers	Date of Sub-Delegation	Limitations and Conditions
Local Government	105B(1)	Power to consent to an application for an adult entertainment permit.				Subject to consultation with Divisional Councillor.
Local Government	105B(4)	Power to abstain from consenting to the application for an adult entertainment permit.				Subject to consultation with Divisional Councillor.
Local Government	117(2)	In the specified circumstances, the power to: (a) comment on the reasonable requirements of the public in the locality; or (b) object to the grant of an application on the grounds that the amenity, quiet or good order of the locality would be lessened.				Subject to consultation with Divisional Councillor.
Local Government	117A(2)	In the specified circumstances, the power to comment on, or object to, an application by given written comments or objections to the Chief Executive within 28 days after receiving the chief executive's advice about the application.				Subject to consultation with Divisional Councillor.

Part 6 – Obligatory provisions and offences

Division 4 – Provisions concerning consumption of liquor in certain public places

Entity power given to	Section of LIQA	Description	Delegation to the CEO / Date of Resolution	Sub-Delegation to Officers	Date of Sub-Delegation	Limitations and Conditions
Local Government	173C(1)	Power to designate a public place mentioned in section 173B(1)(a) of the <i>Liquor Act 1992</i> that is in Council's area as a public place where liquor may be consumed.				Subject to consultation with Divisional Councillor.
Local Government	173C(2)	Power to specify the period or times during which the designation is to have effect.				Subject to consultation with Divisional Councillor.
Local Government	173D(6)	In the specified circumstances, the power to provide written approval for the use of a public place mentioned in section 173D(5) of the <i>Liquor Act 1992</i> .				Subject to consultation with Divisional Councillor.
Local Government	173E(1)	Power to repeal or amend a designation under section 173C of the <i>Liquor Act 1992</i> .				Subject to consultation with Divisional Councillor.
Local Government	173N(4)	Power to give the Queensland Police a written notice of suspension of designation of a public place in a restricted area.				

Part 6AB – Safe night precincts

**Division 3 – Provisions that apply when a safe
night precinct has a local board**

Entity power given to	Section of LIQA	Description	Delegation to the CEO / Date of Resolution	Sub-Delegation to Officers	Date of Sub-Delegation	Limitations and Conditions
Chief Executive Officer	173NH(2) (d)	Power to nominate an employee of the local government for the local government area as a member of a consultative committee for a safe night precinct.	Not required/CEO power			

[2019 04 01 - LIQA - Delegation Table]

INSTRUMENT OF SUB-DELEGATION

Torres Strait Island Regional Council
Liquor Act 1992 ("LIQA")

Under section 259 of the *Local Government Act 2009*, I, **Bruce Ranga**, Chief Executive Officer of **Torres Strait Island Regional Council**, delegate to those positions which are specified in Schedule 1, the exercise of the powers contained in Schedule 2.

These powers must be exercised subject to the limitations contained in Schedule 3.

This Instrument of Sub-Delegation repeals all prior Instruments sub-delegating to the positions specified in Schedule 1 the exercise of the powers contained in Schedule 2.

My authority to make these sub-delegations is conferred by the *Local Government Act 2009* and the resolution of **Torres Strait Island Regional Council** made on **Insert date** to delegate those powers to the Chief Executive Officer.

DATED this day of 2020.

Bruce Ranga
Chief Executive Officer
Torres Strait Island Regional Council

Position: Insert Position
Position Code: Insert Position Code

POWERS SUB-DELEGATED

Liquor Act 1992 ("LIQA")

Part 5 – Grant, variation and transfer of licences and permits and related matters

Division 1 – Applications

Entity power given to	Section of LIQA	Description
Local Government	105B(1)	Power to consent to an application for an adult entertainment permit.
Local Government	105B(4)	Power to abstain from consenting to the application for an adult entertainment permit.
Local Government	117(2)	In the specified circumstances, the power to: <ul style="list-style-type: none"> (a) comment on the reasonable requirements of the public in the locality; or (b) object to the grant of an application on the grounds that the amenity, quiet or good order of the locality would be lessened.
Local Government	117A(2)	In the specified circumstances, the power to comment on, or object to, an application by given written comments or objections to the Chief Executive within 28 days after receiving the chief executive's advice about the application.

Part 6 – Obligatory provisions and offences

Division 4 – Provisions concerning consumption of liquor in certain public places

Entity power given to	Section of LIQA	Description
Local Government	173C(1)	Power to designate a public place mentioned in section 173B(1)(a) of the <i>Liquor Act 1992</i> that is in Council's area as a public place where liquor may be consumed.
Local Government	173C(2)	Power to specify the period or times during which the designation is to have effect.
Local Government	173D(6)	In the specified circumstances, the power to provide written approval for the use of a public place mentioned in section 173D(5) of the <i>Liquor Act 1992</i> .
Local Government	173E(1)	Power to repeal or amend a designation under section 173C of the <i>Liquor Act 1992</i> .
Local Government	173N(4)	Power to give the Queensland Police a written notice of suspension of designation of a public place in a restricted area.

Part 6AB –**Safe night precincts****Division 3 – Provisions that apply when a safe
night precinct has a local board**

Entity power given to	Section of LIQA	Description
Chief Executive Officer	173NH(2) (d)	Power to nominate an employee of the local government for the local government area as a member of a consultative committee for a safe night precinct.

LIMITATIONS TO THE EXERCISE OF POWER

7. Where Council in its budget or by resolution allocates an amount for the expenditure of Council funds in relation to a particular matter, in exercising delegated power in relation to that matter, the delegate will only commit Council to reasonably foreseeable expenditure up to the amount allocated.
8. The delegate will not exercise any delegated power in relation to a matter which, to the delegate's knowledge, adversely affects, or is likely to adversely affect, Council's relations with the public at large.
9. The delegate will not exercise any delegated power contrary to a resolution or other decision of Council (including a policy decision relating to the matter).
10. The delegate will not exercise any delegated power in a manner, or which has the foreseeable effect, of being contrary to an adopted Council policy or procedure.
11. The delegate will only exercise a delegated power under this resolution in a manner which complies with the requirements of Council's Planning Scheme, and any exercise of power which involves a departure from or variation of those requirements will only be undertaken by Council.
12. The delegate will not exercise any delegated power which cannot lawfully be the subject of delegation by Council.

[2019 04 01 - LIQA - Sub-Delegation Instrument]

Conditions imposed on all Delegations

1. Delegated powers must be read in the context of other powers and subject to conditions stipulated therein;
2. Delegated powers must be exercised consistently with the provisions of Local Government Acts or Regulations, Council Policies and Procedure, Local Laws and Subordinate Local Laws;
3. Any decisions must be made within the financial delegation of the delegate;
4. The delegate shall not give Council opinions and if opinions are to be provided, may only provide personal opinions of the delegate, not in an official capacity as an employee of the Council;
5. Delegated powers only apply to the delegate to the extent that they relate to a delegate's scope of duties as particularised in the Position Description pertaining to that delegate, or as otherwise approved in writing by the CEO or by Council Policy;
6. A delegate may not sub-delegate a power provided for in this Register to a subordinate staff member without the express written consent of the Chief Executive Officer or under a Policy or Procedure adopted by Council;
7. Any power that is not delegable under a Local Government Act or Regulation, shall not be delegable under this instrument;
8. All delegations are subject to conditions imposed in the original delegation to CEO contained in the Instrument of Delegations of Local Government;

9. Whilst exercising a power, the delegate may take into account Ailan Kastom (section 9(3) LGA 2009); and
10. All Powers delegated to the Chief Executive Officer in this Instrument shall be subject to prior Council consultation where exercise of such Power in all reasonable likelihood shall:
 -
 - a. impact on land and/or sea; and/or
 - b. involve payment of compensation regarding land; and/or
 - c. require a budget amendment.

INSTRUMENT OF DELEGATION

Torres Strait Island Regional Council ***Local Government Act 2009 ("LOGA")***

Under section 257 of the *Local Government Act 2009*, Torres Strait Island Regional Council resolves to delegate the exercise of the powers contained in Schedule 1 to the Chief Executive Officer.

These powers must be exercised subject to the limitations contained in Schedule 2.

All prior resolutions delegating the same powers to the Chief Executive Officer are repealed.

Local Government Act 2009 ("LOGA")**CHAPTER 3 – THE BUSINESS OF LOCAL GOVERNMENT****Part 1 – Local laws****Division 2 – Making, recording and reviewing local laws**

Entity power given to	Section of LOGA	Description
Local Government	29(1)	Power to decide local government process for making a local law to the extent that the process is not inconsistent with this part.

Division 5 – Miscellaneous

Entity power given to	Section of LOGA	Description
Chief Executive Officer	38B(9)	Power to ask the police commissioner to give the chief executive officer information about noise abatement directions given to persons in the local government area.

Part 3 – Roads and other infrastructure**Division 1 – Roads**

Entity power given to	Section of LOGA	Description
Local Government	61(1)	Power to give the owner of land the local government wants to acquire, a notice of intention to acquire land.
Local Government	61(5)	Power to give permission to an owner to erect, place, re-erect, replace or repair any structure or part of a structure on the land.
Local Government	62(6)	Power to reasonably require information to decide the claim.
Local Government	62(7)	In specified circumstances, power to give the claimant written notice of Council's decision on the claim.
Local Government	64(4)	Power to agree on compensation for the acquisition of the land.
Local Government	65(1)	Power to decide not to proceed with the realignment of a road or part of a road after giving a notice of intention to acquire land.
Local Government	65(3)	Power to serve notice of Council's decision on all owners of land who were served with the notice of intention to acquire land.
Local Government	65(4)(a)	Power to withdraw the notice of intention to acquire land.
Local Government	65(4)(b)	Power to lodge with the registrar of titles for registration a notice of Council's decision not to proceed with the realignment of the road, or part of the road.
Local Government	66(4)	Power to agree on an amount of compensation.
Local Government	67(1)	Power to acquire land that adjoins a road for use as a footpath.

Local Government	67(2)	In the specified circumstances, power to decide whether any of the rights specified in this subsection are appropriate.
Local Government	67(3)	Power to consider necessary structural alterations to the structure, room or cellar.
Local Government	68(4)	Power to object to the opening or closing of the road.
Local Government	69(1)	In certain circumstances, power to close a road.
Local Government	69(2)(a)	Power to close a road during a temporary obstruction to traffic.
Local Government	69(2)(b)	Power to close a road if it is in the interests of public safety.
Local Government	69(2)(c)	Power to decide that it is necessary or desirable to close a road for a temporary purpose in the circumstances specified.
Local Government	69(4)	Power to do everything necessary to stop traffic using the road after it is closed.
Local Government	69(5)	If a road is closed to traffic for a temporary purpose, power to permit the use of any part of the road on the conditions considered appropriate.
Local Government Employee or Contractor	70(3)	In the specified circumstances, power to: (a) make an agreement with the owner or occupier of the land; or (b) give the owner or occupier of the land at least 3 days written notice.
Local Government	70(4)	In the specified circumstances, power to give the owner or occupier of the land oral notice of the matters mentioned in subsection (3)(b).
Chief Executive Officer	70(6)(b)	Power to allow a later time for receipt of a claim for compensation.
Local Government	70(7)(a)	Power to make an agreement with a person for the amount of compensation.
Local Government	71(2)	Power to give the owner or occupier advice about the permanent level of the road.
Local Government	71(4)(a)	Power to make an agreement with the owner or occupier, or their successor in title, for the amount of compensation.
Local Government	72(1)(b)	Power to consider that the conduct of the activity is having, or will have, a significant adverse impact on a road in the local government area.
Local Government	72(2)	Power to require the entity which is conducting an activity to provide information, within a reasonable time, that will enable the local government to assess the impact of the activity on the road.
Local Government	72(3)	After assessing the impact of the activity on the road, power to do one or more of the following: (a) give the entity a direction about the use of the road to lessen the impact; (b) require the entity: (i) to carry out works to lessen the impact; or (ii) to pay an amount as compensation for the impact.
Local Government	74(2)	Power to consider appropriate particulars to be shown on the register of roads.
Local Government	75(2)	For the specified reasons, power to give written approval.

Local Government	75(4)	Power to decide the conditions of an approval under subsection (2).
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Division 2 – Stormwater drains

Entity power given to	Section of LOGA	Description
Local Government	77(1)	Power to, by written notice, require the owner of a property to connect a stormwater installation for the property to the local government's stormwater drain in the way, under the conditions and within the time stated in the notice.
Local Government	77(3)(b)	Power to give approval for the connection to a local government stormwater drain.
Local Government	77(4)	Power to impose conditions on approval for the connection, including about the way the connection must be made.
Local Government	78(4)	Under the specified circumstances, power to, by written notice, require the owner of the property to perform the work stated in the notice, within the time stated in the notice.
Local Government	78(5)	For a notice provided in subsection (4), power to decide a time that is reasonable.
Local Government	79(4)(e)(i)	Power to approve the maximum temperature for a substance.

Part 4 – The business of indigenous local governments

Division 2 – Managing trust land

Entity power given to	Section of LOGA	Description
Trustee Council	85(6)	Power to give written notice of the reasons for the proposed decision to the community forum.

Part 5 – Caretaker period arrangements

Entity power given to	Section of LOGA	Description
Local Government	90B(2)	Power to consider it is necessary to make a major policy decision in the public interest, and power to apply to the Minister for approval to make the decision.

CHAPTER 4 – FINANCES AND ACCOUNTABILITY

Part 1 – Rates and charges

Entity power given to	Section of LOGA	Description
Local Government	95(3)(a)	Power to sign and lodge for registration a request to register a charge over the land on behalf of the local government.
Chief Executive Officer	95(3)(b)	Power to sign a certificate that states there is a charge of the land for overdue rates and charges.
Chief Executive Officer	95(5)(b)	Power to sign a certificate that states the overdue rates and charges have been paid.

CHAPTER 5 – MONITORING AND ENFORCING THE LOCAL GOVERNMENT ACTS

Part 1 – Local governments

Division 3 – Remedial action by minister

Entity power given to	Section of LOGA	Description
Local Government	120(5)	Power to make submissions within the time specified in the notice.

Part 2 – The public

Division 1 – Powers of authorised persons

Subdivision 3 – Powers to enter property etc.

Entity power given to	Section of LOGA	Description
Local Government	133(3)	Power to give, or make a reasonable attempt to give, the occupier of the property a written notice that informs the occupier of the following: (a) the intention to enter the property; (b) the reason for entering the property; (c) an estimation of when the property will be entered.
Local Government	133(4)	Power to give, or make a reasonable attempt to give, written notice to the occupier within a reasonable time before the property is to be entered.
Local Government	137(2)(a)	Power to agree on an amount of compensation for a person who has incurred damage or loss because of the exercise or purported exercise of a power under this division.

Division 2 – Powers of other persons

Entity power given to	Section of LOGA	Description
Local Government	138(4)	Power to authorise a local government worker.
Local Government	138AA(3)(b)	Power to give reasonable entry notice.
Local Government	140(1)(a)	Power to give a remedial notice to the owner of a property.
Owner / Owner's agent	140(2)	Power to enter property at the times stated in the reasonable entry notice and take the action that is required under the remedial notice.
Local Government	142(6)	In the specified circumstances, power to give the person who failed to take the action, written notice of the amount of the debt.
Local Government	143(1)	Power to form a belief that there is no reasonably practicable way of obtaining materials other than by removing the materials from the relevant land.
Person	146(1)	Power to enter the property in accordance with a Court order made under this section.
Person	146(2)	Power to apply to a Magistrate for a Court order.
Local Government	147(3)(a)	Power to agree on an amount of compensation for a person who has incurred damage or loss because of the exercise or purported exercise of a power under this division.

Part 3 – Investigation of local government records**Division 3 – Investigations by local government**

Entity power given to	Section of LOGA	Description
Chief Executive Officer	148F(2)	Power to make all inquiries the Chief Executive Officer considers to be reasonable to find out whether and to what extent the register or record is incorrect/power to direct an authorised person to make such enquiries.
Chief Executive Officer	148G(2)	Power to, in the circumstances in subsection (1) require a person to give information or produce a document, or direct an authorised person to require a person to give information or produce a document.

CHAPTER 5A – COUNCILLOR CONDUCT**Part 3 – Dealing with inappropriate conduct, misconduct and corrupt conduct****Division 2 – Complaints about councillor conduct**

Entity power given to	Section of LOGA	Description
Local Government	150P	In the specified circumstances, the power to refer a complaint to the assessor and to give the assessor all information held by the entity that relates to the complaint.

Division 3 – Local government duties to notify assessor about particular councillor conduct

Entity power given to	Section of LOGA	Description
Local Government	150S(2)	In the specified circumstances, the power to give the assessor a notice about the councillor's conduct and all information held by the local government that relates to the conduct.

Division 5 – Referral of conduct to local government

Entity power given to	Section of LOGA	Description
Local Government	150AF(1)	In the specified circumstances, the power to investigate the conduct of the councillor.
Local Government	150AF(4)	In the specified circumstances, the power to give information to the assessor for further investigation and take no further action in relation to the conduct.

Division 6 – Application to conduct tribunal about misconduct and connected inappropriate conduct

Entity power given to	Section of LOGA	Description
Local Government	150AK(3)	In the specified circumstances, the power to give to the councillor a copy of the application.

Part 4 – Investigation and enforcement powers
Division 2 – Entry of place by investigators
Subdivision 1 – Power to enter

Entity power given to	Section of LOGA	Description
Occupier at a place	150BI(1)(a)	In the specified circumstances, the power to consent to the entry of an investigator to a place.

Subdivision 2 – Entry by consent

Entity power given to	Section of LOGA	Description
Occupier at a place	150BM(1)	In the specified circumstances, the power to sign an acknowledge of the consent to allow an investigator entry to a place.

Division 3 – General powers of investigators after entering places

Entity power given to	Section of LOGA	Description
Occupier at a place	150BV(1)	In the specified circumstances, the power to provide reasonable help to an investigator to exercise a general power.

Division 4 – Seizure by investigators

Subdivision 3 – Safeguards for seized things

Entity power given to	Section of LOGA	Description
Owner of seized thing	150CD(1)	In the specified circumstances, the power to inspect the seized thing, and if it is a document, copy the document.
Owner of seized thing	150CE(3)	In the specified circumstances, the power to apply to the assessor for return of the seized thing.

Division 7 – Review

Subdivision 1 – Internal review

Entity power given to	Section of LOGA	Description
Owner of seized thing	150CO(2)	In the specified circumstances, the power to apply to the assessor for a review of the decision.

Subdivision 2 – External review

Entity power given to	Section of LOGA	Description
Applicant of a Review Decision	150CR	In the specified circumstances, the power to apply to QCAT for a review of the review decision.

Part 5 –**Administration****Division 2 – Councillor conduct tribunal**

Entity power given to	Section of LOGA	Description
Local Government	150DL(1)(a)	In the specified circumstances, the power to request the conduct tribunal to: (a) Investigate the suspected inappropriate conduct of a councillor; (b) to make recommendations to the local government about dealing with the conduct.

Part 6 –**Miscellaneous****Division 1 – Councillor conduct register**

Entity power given to	Section of LOGA	Description
Local Government	150DX(1)	The power to keep an up-to-date register about the specified matters.
Local Government	150DX(2)(a)	The power to publish the register on the local governments website.
Local Government	150DX(2)(b)	The power to make the register publicly available for inspection and to sell copies of an entry in the register, at the local government's public office.

CHAPTER 6 – ADMINISTRATION**Part 2 –****Councillors****Division 3 – Vacancies in councillor's office**

Entity power given to	Section of LOGA	Description
Local Government	162(1)(d)(ii)	In the specified circumstances, power to give leave to a councillor.
Chief Executive Officer	166(6)	In the specified circumstances, power to request the political party to advise the full name and address of its nominee.
Chief Executive Officer	166(8)	Power to, within 14 days after the office become vacant, invite nominations.

Division 5 – Obligations of councillors

Entity power given to	Section of LOGA	Description
Chief Executive Officer	170(4)(b)	Power to make available to the local government each direction mentioned under section 170(a).

Division 5A – Dealing with councillors' personal interests in local government matters

Entity power given to	Section of LOGA	Description
Local Government	175C(3)	In the specified circumstances, power to delegate deciding a matter, unless deciding the matter cannot be delegated under section 257 of the LGA.
Local Government	175E(6)	In the specified circumstances, power to delegate deciding a matter, unless deciding the matter cannot be delegated under section 257 of the LGA.

Division 6 – Conduct and performance of councillors

Entity power given to	Section of LOGA	Description
Entity dealing with the complaint under this division	176A(2)	In the specified circumstances, the power to decide not to take any further action in relation to a complaint about the conduct of a person who is no longer a councillor in the prescribed circumstances.
Entity dealing with the complaint under this division	176A(3)	In the specified circumstances, the power to give to an entity that made the complaint, and the accused person, a written notice that states: (a) no further action will be taken in relation to the complaint; and (b) the reasons for the decision.

Part 5 – Local government employees

Division 3 – Common provisions

Entity power given to	Section of LOGA	Description
Local Government	198(2)	Power to make an agreement with other local governments that an employee may be employed by more than one local government.

CHAPTER 7 – OTHER PROVISIONS

Part 2 – Superannuation

Division 3 – Superannuation contributions for particular employees

Entity power given to	Section of LOGA	Description
Local Government	221(2)(a)	Power to make an agreement with an employee that it is exempt, on the grounds of the employee's financial hardship, from paying all or a stated part of the contributions payable under section 220A(2) by the employee.

Part 4 – Legal provisions

Entity power given to	Section of LOGA	Description
Local Government	236(1)	The power to sign a document on behalf of a local government.

Local Government	240(1)	Power to authorise in writing another employee, other than the chief executive officer, to: (a) give instructions and act as the authorised agent for the local government; and (b) sign all documents for the local government.
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Part 6 – Other provisions

Entity power given to	Section of LOGA	Description
Local Government	262(2)	In the specified circumstances, power to do anything that is necessary or convenient for performing the responsibilities.
Chief Executive Officer	265A(1)(b)	Power to authorise an employee of a local government to conduct searches of registers or documents about the land in the land registry.
Local Government	268A	The power to decide the way in which a local government will conduct a voluntary poll of electors in its area.

Part 12 – Traditional provisions for the Local Government (Councillor Complaints) and Other Legislation Amendment Act 2018

Entity power given to	Section of LOGA	Description
Entity Holding Information	317(3)	In the specified circumstances, power to give information to the assessor.
Entity Holding Information	319(3)	In the specified circumstances, power to give information to the assessor.

LIMITATIONS TO THE EXERCISE OF POWER

1. Where Council in its budget or by resolution allocates an amount for the expenditure of Council funds in relation to a particular matter, in exercising delegated power in relation to that matter, the delegate will only commit Council to reasonably foreseeable expenditure up to the amount allocated.
2. The delegate will not exercise any delegated power in relation to a matter which, to the delegate's knowledge, adversely affects, or is likely to adversely affect, Council's relations with the public at large.
3. The delegate will not exercise any delegated power contrary to a resolution or other decision of Council (including a policy decision relating to the matter).
4. The delegate will not exercise any delegated power in a manner, or which has the foreseeable effect, of being contrary to an adopted Council policy or procedure.
5. The delegate will only exercise a delegated power under this resolution in a manner which complies with the requirements of Council's Planning Scheme, and any exercise of power which involves a departure from or variation of those requirements will only be undertaken by Council.
6. The delegate will not exercise any delegated power which cannot lawfully be the subject of delegation by Council.

[2019 11 18 - LOGA - Delegation Instrument]

Conditions imposed on all Delegations

1. Delegated powers must be read in the context of other powers and subject to conditions stipulated therein;
2. Delegated powers must be exercised consistently with the provisions of Local Government Acts or Regulations, Council Policies and Procedure, Local Laws and Subordinate Local Laws;
3. Any decisions must be made within the financial delegation of the delegate;
4. The delegate shall not give Council opinions and if opinions are to be provided, may only provide personal opinions of the delegate, not in an official capacity as an employee of the Council;
5. Delegated powers only apply to the delegate to the extent that they relate to a delegate's scope of duties as particularised in the Position Description pertaining to that delegate, or as otherwise approved in writing by the CEO or by Council Policy;
6. A delegate may not sub-delegate a power provided for in this Register to a subordinate staff member without the express written consent of the Chief Executive Officer or under a Policy or Procedure adopted by Council;
7. Any power that is not delegable under a Local Government Act or Regulation, shall not be delegable under this instrument;
8. All delegations are subject to conditions imposed in the original delegation to CEO contained in the Instrument of Delegations of Local Government;

9. Whilst exercising a power, the delegate may take into account Ailan Kastom (section 9(3) LGA 2009); and
10. All Powers delegated to the Chief Executive Officer in this Instrument shall be subject to prior Council consultation where exercise of such Power in all reasonable likelihood shall:
 -
 - a. impact on land and/or sea; and/or
 - b. involve payment of compensation regarding land; and/or
 - c. require a budget amendment.

DELEGABLE POWERS UNDER THE LOCAL GOVERNMENT ACT 2009 ("LOGA")

CHAPTER 3 – THE BUSINESS OF LOCAL GOVERNMENT

Part 1 – Local laws

Division 2 – Making, recording and reviewing local laws

Entity power given to	Section of LOGA	Description	Delegation to the CEO / Date of Resolution	Sub-Delegation to Officers	Date of Sub-Delegation	Limitations and Conditions
Local Government	29(1)	Power to decide local government process for making a local law to the extent that the process is not inconsistent with this part.	N/A			

Division 5 – Miscellaneous

Entity power given to	Section of LOGA	Description	Delegation to the CEO / Date of Resolution	Sub-Delegation to Officers	Date of Sub-Delegation	Limitations and Conditions
Chief Executive Officer	38B(9)	Power to ask the police commissioner to give the chief executive officer information about noise abatement directions given to persons in the local government area.	This power does not need to be delegated as it is given directly to the CEO under the Act.			

Part 3 – Roads and other infrastructure

Division 1 – Roads

Entity power given to	Section of LOGA	Description	Delegation to the CEO / Date of Resolution	Sub-Delegation to Officers	Date of Sub-Delegation	Limitations and Conditions
Local Government	61(1)	Power to give the owner of land the local government wants to acquire, a notice of intention to acquire land.				Subject to consultation with the Divisional Councillor.
Local Government	61(5)	Power to give permission to an owner to erect, place, re-erect, replace or repair any structure or part of a structure on the land.				Subject to consultation with the Divisional Councillor.
Local Government	62(6)	Power to reasonably require information to decide the claim.				
Local Government	62(7)	In specified circumstances, power to give the claimant written notice of Council's decision on the claim.				
Local Government	64(4)	Power to agree on compensation for the acquisition of the land.	N/A			
Local Government	65(1)	Power to decide not to proceed with the realignment of a road or part of a road after giving a notice of intention to acquire land.	N/A			
Local Government	65(3)	Power to serve notice of Council's decision on all owners of land who were served with the notice of intention to acquire land.				
Local Government	65(4)(a)	Power to withdraw the notice of intention to acquire land.				
Local Government	65(4)(b)	Power to lodge with the registrar of titles for registration a notice of Council's decision not to proceed with the realignment of the road, or part of the road.				

Local Government	66(4)	Power to agree on an amount of compensation.	N/A			
Local Government	67(1)	Power to acquire land that adjoins a road for use as a footpath.	N/A			
Local Government	67(2)	In the specified circumstances, power to decide whether any of the rights specified in this subsection are appropriate.				
Local Government	67(3)	Power to consider necessary structural alterations to the structure, room or cellar.				
Local Government	68(4)	Power to object to the opening or closing of the road.				Subject to consultation with the Divisional Councillor.
Local Government	69(1)	In certain circumstances, power to close a road.				Subject to consultation with the Divisional Councillor.
Local Government	69(2)(a)	Power to close a road during a temporary obstruction to traffic.				Subject to consultation with the Divisional Councillor.
Local Government	69(2)(b)	Power to close a road if it is in the interests of public safety.				Subject to consultation with the Divisional Councillor.
Local Government	69(2)(c)	Power to decide that it is necessary or desirable to close a road for a temporary purpose in the circumstances specified.				Subject to consultation with the Divisional Councillor.
Local Government	69(4)	Power to do everything necessary to stop traffic using the road after it is closed.				
Local Government	69(5)	If a road is closed to traffic for a temporary purpose, power to permit the use of any part				

		of the road on the conditions considered appropriate.				
Local Government Employee or Contractor	70(3)	In the specified circumstances, power to: (a) make an agreement with the owner or occupier of the land; or (b) give the owner or occupier of the land at least 3 days written notice.				
Local Government	70(4)	In the specified circumstances, power to give the owner or occupier of the land oral notice of the matters mentioned in subsection (3)(b).				
Chief Executive Officer	70(6)(b)	Power to allow a later time for receipt of a claim for compensation.	This power does not need to be delegated as it is given directly to the CEO under the Act.			
Local Government	70(7)(a)	Power to make an agreement with a person for the amount of compensation.	N/A			
Local Government	71(2)	Power to give the owner or occupier advice about the permanent level of the road.				
Local Government	71(4)(a)	Power to make an agreement with the owner of occupier, or their successor in title, for the amount of compensation.	N/A			
Local Government	72(1)(b)	Power to consider that the conduct of the activity is having, or will have, a significant adverse impact on a road in the local government area.				
Local Government	72(2)	Power to require the entity which is conducting an activity to provide information, within a reasonable time, that will enable the local government to assess the impact of the activity on the road.				

Local Government	72(3)	After assessing the impact of the activity on the road, power to do one or more of the following: (a) give the entity a direction about the use of the road to lessen the impact; (b) require the entity: (i) to carry out works to lessen the impact; or (ii) to pay an amount as compensation for the impact.				
Local Government	74(2)	Power to consider appropriate particulars to be shown on the register of roads.				
Local Government	75(2)	For the specified reasons, power to give written approval to carry out works on a road or interference with a road or its operation subject to conditions.				Subject to consultation with the Divisional Councillor.
Local Government	75(4)	Power to decide the conditions of an approval under subsection (2).				

Division 2 – Stormwater drains

Entity power given to	Section of LOGA	Description	Delegation to the CEO / Date of Resolution	Sub-Delegation to Officers	Date of Sub-Delegation	Limitations and Conditions
Local Government	77(1)	Power to, by written notice, require the owner of a property to connect a stormwater installation for the property to the local government's stormwater drain in the way, under the conditions and within the time stated in the notice.				
Local Government	77(3)(b)	Power to give approval for the connection to a local government stormwater drain.				

Local Government	77(4)	Power to impose conditions on approval for the connection, including about the way the connection must be made.				
Local Government	78(4)	Under the specified circumstances, power to, by written notice, require the owner of the property to perform the work stated in the notice, within the time stated in the notice.				
Local Government	78(5)	For a notice provided in subsection (4), power to decide a time that is reasonable.				
Local Government	79(4)(e)(i)	Power to approve the maximum temperature for a substance.				

Part 4 – The business of indigenous local governments

Division 2 – Managing trust land

Entity power given to	Section of LOGA	Description	Delegation to the CEO / Date of Resolution	Sub-Delegation to Officers	Date of Sub-Delegation	Limitations and Conditions
Trustee Council	85(6)	Power to give written notice of the reasons for the proposed decision to the community forum.	N/A – TSIRC currently has no community forums			

Part 5 – Caretaker period arrangements

Entity power given to	Section of LOGA	Description	Delegation to the CEO / Date of Resolution	Sub-Delegation to Officers	Date of Sub-Delegation	Limitations and Conditions
Local Government	90B(2)	Power to consider it is necessary to make a major policy decision in the public interest, and power to apply to the Minister for approval to make the decision.				

CHAPTER 4 – FINANCES AND ACCOUNTABILITY

Part 1 – Rates and charges

Entity power given to	Section of LOGA	Description	Delegation to the CEO / Date of Resolution	Sub-Delegation to Officers	Date of Sub-Delegation	Limitations and Conditions
Local Government	95(3)(a)	Power to sign and lodge for registration a request to register a charge over the land on behalf of the local government.	N/A – no charges registrable. Delegation of this power to be made on a case-by-case basis only.			
Chief Executive Officer	95(3)(b)	Power to sign a certificate that states there is a charge of the land for overdue rates and charges.	This power does not need to be delegated as it is given directly to the CEO under the Act.			
Chief Executive Officer	95(5)(b)	Power to sign a certificate that states the overdue rates and charges have been paid.	This power does not need to be delegated as it is given directly to the CEO under the Act.			

CHAPTER 5 – MONITORING AND ENFORCING THE LOCAL GOVERNMENT ACTS

Part 1 – Local governments

Division 3 – Remedial action by minister

Entity power given to	Section of LOGA	Description	Delegation to the CEO / Date of Resolution	Sub-Delegation to Officers	Date of Sub-Delegation	Limitations and Conditions
Local Government	120(5)	Power to make submissions within the time specified in the notice.				

Part 2 – The public

Division 1 – Powers of authorised persons

Subdivision 3 – Powers to enter property etc.

Entity power given to	Section of LOGA	Description	Delegation to the CEO / Date of Resolution	Sub-Delegation to Officers	Date of Sub-Delegation	Limitations and Conditions
Local Government	133(3)	Power to give, or make a reasonable attempt to give, the occupier of the property a written notice that informs the occupier of the following: (a) the intention to enter the property; (b) the reason for entering the property; (c) an estimation of when the property will be entered.				
Local Government	133(4)	Power to give, or make a reasonable attempt to give, written notice to the occupier within a reasonable time before the property is to be entered.				
Local Government	137(2)(a)	Power to agree on an amount of compensation for a person who has incurred	N/A			

		damage or loss because of the exercise or purported exercise of a power under this division.				
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Division 2 – Powers of other persons

Entity power given to	Section of LOGA	Description	Delegation to the CEO / Date of Resolution	Sub-Delegation to Officers	Date of Sub-Delegation	Limitations and Conditions
Local Government	138(4)	Power to authorise a local government worker.				
Local Government	138AA(3)(b)	Power to give reasonable entry notice.				
Local Government	140(1)(a)	Power to give a remedial notice to the owner of a property.				
Owner / Owner's agent	140(2)	Power to enter property at the times stated in the reasonable entry notice and take the action that is required under the remedial notice.				
Local Government	142(6)	In the specified circumstances, power to give the person who failed to take the action, written notice of the amount of the debt.				
Local Government	143(1)	Power to form a belief that there is no reasonably practicable way of obtaining materials other than by removing the materials from the relevant land.				
Person	146(1)	Power to enter the property in accordance with a Court order made under this section.				
Person	146(2)	Power to apply to a Magistrate for a Court order.				
Local Government	147(3)(a)	Power to agree on an amount of compensation for a person who has incurred damage or loss because of the exercise or	N/A			

		purported exercise of a power under this division.				
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Part 3 – Investigation of local government records

Division 3 – Investigations by local government

Entity power given to	Section of LOGA	Description	Delegation to the CEO / Date of Resolution	Sub-Delegation to Officers	Date of Sub-Delegation	Limitations and Conditions
Chief Executive Officer	148F(2)	Power to make all inquiries the Chief Executive Officer considers to be reasonable to find out whether and to what extent the register or record is incorrect/power to direct an authorised person to make such enquiries.	This power does not need to be delegated as it is given directly to the CEO under the Act.			
Chief Executive Officer	148G(2)	Power to, in the circumstances in subsection (1) require a person to give information or produce a document, or direct an authorised person to require a person to give information or produce a document.	This power does not need to be delegated as it is given directly to the CEO under the Act.			

CHAPTER 5A – COUNCILLOR CONDUCT

Part 3 – Dealing with inappropriate conduct, misconduct and corrupt conduct

Division 2 – Complaints about councillor conduct

Entity power given to	Section of LOGA	Description	Delegation to the CEO / Date of Resolution	Sub-Delegation to Officers	Date of Sub-Delegation	Limitations and Conditions
Local Government	150P	In the specified circumstances, the power to refer a complaint to the assessor and to give the assessor all information held by the entity that relates to the complaint.				

Division 3 – Local government duties to notify assessor about particular councillor conduct

Entity power given to	Section of LOGA	Description	Delegation to the CEO / Date of Resolution	Sub-Delegation to Officers	Date of Sub-Delegation	Limitations and Conditions
Local Government	150S(2)	In the specified circumstances, the power to give the assessor a notice about the councillor's conduct and all information held by the local government that relates to the conduct.				

Division 5 – Referral of conduct to local government

Entity power given to	Section of LOGA	Description	Delegation to the CEO / Date of Resolution	Sub-Delegation to Officers	Date of Sub-Delegation	Limitations and Conditions
Local Government	150AF(1)	In the specified circumstances, the power to investigate the conduct of the councillor.				
Local Government	150AF(4)	In the specified circumstances, the power to give information to the assessor for further investigation and take no further action in relation to the conduct.				

Division 6 – Application to conduct tribunal about misconduct and connected inappropriate conduct

Entity power given to	Section of LOGA	Description	Delegation to the CEO / Date of Resolution	Sub-Delegation to Officers	Date of Sub-Delegation	Limitations and Conditions
Local Government	150AK(3)	In the specified circumstances, the power to give to the councillor a copy of the application.				

Part 4 – Investigation and enforcement powers
Division 2 – Entry of place by investigators
Subdivision 1 – Power to enter

Entity power given to	Section of LOGA	Description	Delegation to the CEO / Date of Resolution	Sub-Delegation to Officers	Date of Sub-Delegation	Limitations and Conditions
Occupier at a place	150BI(1)(a)	In the specified circumstances, the power to consent to the entry of an investigator to a place.				

Subdivision 2 – Entry by consent

Entity power given to	Section of LOGA	Description	Delegation to the CEO / Date of Resolution	Sub-Delegation to Officers	Date of Sub-Delegation	Limitations and Conditions
Occupier at a place	150BM(1)	In the specified circumstances, the power to sign an acknowledge of the consent to allow an investigator entry to a place.				

Division 3 – General powers of investigators after entering places

Entity power given to	Section of LOGA	Description	Delegation to the CEO / Date of Resolution	Sub-Delegation to Officers	Date of Sub-Delegation	Limitations and Conditions
Occupier at a place	150BV(1)	In the specified circumstances, the power to provide reasonable help to an investigator to exercise a general power.				

Division 4 – Seizure by investigators

Subdivision 3 – Safeguards for seized things

Entity power given to	Section of LOGA	Description	Delegation to the CEO / Date of Resolution	Sub-Delegation to Officers	Date of Sub-Delegation	Limitations and Conditions
Owner of seized thing	150CD(1)	In the specified circumstances, the power to inspect the seized thing, and if it is a document, copy the document.				
Owner of seized thing	150CE(3)	In the specified circumstances, the power to apply to the assessor for return of the seized thing.				

Division 7 – Review

Subdivision 1 – Internal review

Entity power given to	Section of LOGA	Description	Delegation to the CEO / Date of Resolution	Sub-Delegation to Officers	Date of Sub-Delegation	Limitations and Conditions
Owner of seized thing	150CO(2)	In the specified circumstances, the power to apply to the assessor for a review of the decision.				

Subdivision 2 – External review

Entity power given to	Section of LOGA	Description	Delegation to the CEO / Date of Resolution	Sub-Delegation to Officers	Date of Sub-Delegation	Limitations and Conditions
Applicant of a Review Decision	150CR	In the specified circumstances, the power to apply to QCAT for a review of the review decision.				

Part 5 – Administration**Division 2 – Councillor conduct tribunal**

Entity power given to	Section of LOGA	Description	Delegation to the CEO / Date of Resolution	Sub-Delegation to Officers	Date of Sub-Delegation	Limitations and Conditions
Local Government	150DL(1)(a)	In the specified circumstances, the power to request the conduct tribunal to: (a) Investigate the suspected inappropriate conduct of a councillor; (b) to make recommendations to the local government about dealing with the conduct.	Delegation of this power to be made on a case-by-case basis only.	Sub-delegation of power not recommended		

Part 6 – Miscellaneous**Division 1 – Councillor conduct register**

Entity power given to	Section of LOGA	Description	Delegation to the CEO / Date of Resolution	Sub-Delegation to Officers	Date of Sub-Delegation	Limitations and Conditions
Local Government	150DX(1)	The power to keep an up-to-date register about the specified matters.				
Local Government	150DX(2)(a)	The power to publish the register on the local governments website.				
Local Government	150DX(2)(b)	The power to make the register publicly available for inspection and to sell copies of an entry in the register, at the local government's public office.				

CHAPTER 6 – ADMINISTRATION

Part 2 – Councillors

Division 3 – Vacancies in councillor's office

Entity power given to	Section of LOGA	Description	Delegation to the CEO / Date of Resolution	Sub-Delegation to Officers	Date of Sub-Delegation	Limitations and Conditions
Local Government	162(1)(e)(ii)	In the specified circumstances, power to give leave to a councillor.	N/A			
Chief Executive Officer	166(6)	In the specified circumstances, power to request the political party to advise the full name and address of its nominee.	This power does not need to be delegated as it is given directly to the CEO under the Act.	Sub-delegation of power not recommended.		
Chief Executive Officer	166(8)	Power to, within 14 days after the office become vacant, invite nominations.	This power does not need to be delegated as it is given directly to the CEO under the Act.	Sub-delegation of power not recommended.		

Division 5 – Obligations of councillors

Entity power given to	Section of LOGA	Description	Delegation to the CEO / Date of Resolution	Sub-Delegation to Officers	Date of Sub-Delegation	Limitations and Conditions
Chief Executive Officer	170(4)(b)	Power to make available to the local government each direction mentioned under section 170(a).	This power does not need to be delegated as it is given directly to the CEO under the Act.			

Division 5A – Dealing with councillors' personal interests in local government matters

Entity power given to	Section of LOGA	Description	Delegation to the CEO / Date of Resolution	Sub-Delegation to Officers	Date of Sub-Delegation	Limitations and Conditions
Local Government	175C(3)	In the specified circumstances, power to delegate deciding a matter, unless deciding the matter cannot be delegated under section 257 of the LGA.	N/A – repealed			
Local Government	175E(6)	In the specified circumstances, power to delegate deciding a matter, unless deciding the matter cannot be delegated under section 257 of the LGA.	N/A – repealed			

Division 6 – Conduct and performance of councillors

Entity power given to	Section of LOGA	Description	Delegation to the CEO / Date of Resolution	Sub-Delegation to Officers	Date of Sub-Delegation	Limitations and Conditions
Entity dealing with the complaint under this division	176A(2)	In the specified circumstances, the power to decide not to take any further action in relation to a complaint about the conduct of a person who is no longer a councillor in the prescribed circumstances.	This power does not need to be delegates as it is given directly to the CEO under the Act	Sub-Delegation of power not recommended		
Entity dealing with the complaint under this division	176A(3)	In the specified circumstances, the power to give to an entity that made the complaint, and the accused person, a written notice that states: (a) no further action will be taken in relation to the complaint; and (b) the reasons for the decision.	This power does not need to be delegates as it is given directly to the CEO under the Act	Sub-Delegation of power not recommended		

Part 5 – Local government employees

Division 3 – Common provisions

Entity power given to	Section of LOGA	Description	Delegation to the CEO / Date of Resolution	Sub-Delegation to Officers	Date of Sub-Delegation	Limitations and Conditions
Local Government	198(2)	Power to make an agreement with other local governments that an employee may be employed by more than one local government.				Subject to consultation with the Divisional Councillor.

CHAPTER 7 – OTHER PROVISIONS

Part 2 – Superannuation

Division 3 – Superannuation contributions for particular employees

Entity power given to	Section of LOGA	Description	Delegation to the CEO / Date of Resolution	Sub-Delegation to Officers	Date of Sub-Delegation	Limitations and Conditions
Local Government	221(2)(a)	Power to make an agreement with an employee that it is exempt, on the grounds of the employee's financial hardship, from paying all or a stated part of the contributions payable under section 220A(2) by the employee.				

Part 4 – Legal provisions

Entity power given to	Section of LOGA	Description	Delegation to the CEO / Date of Resolution	Sub-Delegation to Officers	Date of Sub-Delegation	Limitations and Conditions
Local Government	236(1)	The power to sign a document on behalf of a local government.				Mayor to execute

						documents on behalf of Council in instances where creating, amending or surrendering interests in land, unless not reasonably practicable, then the Chief Executive Officer.
Local Government	240(1)	Power to authorise in writing another employee, other than the chief executive officer, to: (a) give instructions and act as the authorised agent for the local government; and (b) sign all documents for the local government.				

Part 6 – Other provisions

Entity power given to	Section of LOGA	Description	Delegation to the CEO / Date of Resolution	Sub-Delegation to Officers	Date of Sub-Delegation	Limitations and Conditions
Local Government	262(2)	In the specified circumstances, power to do anything that is necessary or convenient for performing the responsibilities.				
Chief Executive Officer	265A(1)(b)	Power to authorise an employee of a local government to conduct searches of registers or documents about the land in the land registry.	This power does not need to be delegated as it is given directly to the CEO under the Act.			

Local Government	268A	The power to decide the way in which a local government will conduct a voluntary poll of electors in its area.				
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Part 12 – Traditional provisions for the Local Government (Councillor Complaints) and Other Legislation Amendment Act 2018

Entity power given to	Section of LOGA	Description	Delegation to the CEO / Date of Resolution	Sub-Delegation to Officers	Date of Sub-Delegation	Limitations and Conditions
Entity Holding Information	317(3)	In the specified circumstances, power to give information to the assessor.				
Entity Holding Information	319(3)	In the specified circumstances, power to give information to the assessor.				

[2019 11 18 - LOGA - Delegation Table]

INSTRUMENT OF SUB-DELEGATION

Torres Strait Island Regional Council
Local Government Act 2009 ("LOGA")

Under section 259 of the *Local Government Act 2009*, I, **Bruce Ranga**, Chief Executive Officer of **Torres Strait Island Regional Council**, delegate to those positions which are specified in Schedule 1, the exercise of the powers contained in Schedule 2.

These powers must be exercised subject to the limitations contained in Schedule 3.

This Instrument of Sub-Delegation repeals all prior Instruments sub-delegating to the positions specified in Schedule 1 the exercise of the powers contained in Schedule 2.

My authority to make these sub-delegations is conferred by the *Local Government Act 2009* and the resolution of **Torres Strait Island Regional Council** made on **Insert date** to delegate those powers to the Chief Executive Officer.

DATED this _____ day of _____ 2020.

Bruce Ranga
Chief Executive Officer
Torres Strait Island Regional Council

Position: Insert Position
Position Code: Insert Position Code

POWERS SUB-DELEGATED

Local Government Act 2009 ("LOGA")

CHAPTER 3 – THE BUSINESS OF LOCAL GOVERNMENT

Part 1 – Local laws

Division 2 – Making, recording and reviewing local laws

Entity power given to	Section of LOGA	Description
Local Government	29(1)	Power to decide local government process for making a local law to the extent that the process is not inconsistent with this part.

Division 5 – Miscellaneous

Entity power given to	Section of LOGA	Description
Chief Executive Officer	38B(9)	Power to ask the police commissioner to give the chief executive officer information about noise abatement directions given to persons in the local government area.

Part 3 – Roads and other infrastructure

Division 1 – Roads

Entity power given to	Section of LOGA	Description
Local Government	61(1)	Power to give the owner of land the local government wants to acquire, a notice of intention to acquire land.
Local Government	61(5)	Power to give permission to an owner to erect, place, re-erect, replace or repair any structure or part of a structure on the land.
Local Government	62(6)	Power to reasonably require information to decide the claim.
Local Government	62(7)	In specified circumstances, power to give the claimant written notice of Council's decision on the claim.
Local Government	64(4)	Power to agree on compensation for the acquisition of the land.
Local Government	65(1)	Power to decide not to proceed with the realignment of a road or part of a road after giving a notice of intention to acquire land.
Local Government	65(3)	Power to serve notice of Council's decision on all owners of land who were served with the notice of intention to acquire land.
Local Government	65(4)(a)	Power to withdraw the notice of intention to acquire land.
Local Government	65(4)(b)	Power to lodge with the registrar of titles for registration a notice of Council's decision not to proceed with the realignment of the road, or part of the road.
Local Government	66(4)	Power to agree on an amount of compensation.

Local Government	67(1)	Power to acquire land that adjoins a road for use as a footpath.
Local Government	67(2)	In the specified circumstances, power to decide whether any of the rights specified in this subsection are appropriate.
Local Government	67(3)	Power to consider necessary structural alterations to the structure, room or cellar.
Local Government	68(4)	Power to object to the opening or closing of the road.
Local Government	69(1)	In certain circumstances, power to close a road.
Local Government	69(2)(a)	Power to close a road during a temporary obstruction to traffic.
Local Government	69(2)(b)	Power to close a road if it is in the interests of public safety.
Local Government	69(2)(c)	Power to decide that it is necessary or desirable to close a road for a temporary purpose in the circumstances specified.
Local Government	69(4)	Power to do everything necessary to stop traffic using the road after it is closed.
Local Government	69(5)	If a road is closed to traffic for a temporary purpose, power to permit the use of any part of the road on the conditions considered appropriate.
Local Government Employee or Contractor	70(3)	In the specified circumstances, power to: (a) make an agreement with the owner or occupier of the land; or (b) give the owner or occupier of the land at least 3 days written notice.
Local Government	70(4)	In the specified circumstances, power to give the owner or occupier of the land oral notice of the matters mentioned in subsection (3)(b).
Chief Executive Officer	70(6)(b)	Power to allow a later time for receipt of a claim for compensation.
Local Government	70(7)(a)	Power to make an agreement with a person for the amount of compensation.
Local Government	71(2)	Power to give the owner or occupier advice about the permanent level of the road.
Local Government	71(4)(a)	Power to make an agreement with the owner or occupier, or their successor in title, for the amount of compensation.
Local Government	72(1)(b)	Power to consider that the conduct of the activity is having, or will have, a significant adverse impact on a road in the local government area.
Local Government	72(2)	Power to require the entity which is conducting an activity to provide information, within a reasonable time, that will enable the local government to assess the impact of the activity on the road.
Local Government	72(3)	After assessing the impact of the activity on the road, power to do one or more of the following: (a) give the entity a direction about the use of the road to lessen the impact; (b) require the entity: (i) to carry out works to lessen the impact; or (ii) to pay an amount as compensation for the impact.
Local Government	74(2)	Power to consider appropriate particulars to be shown on the register of roads.

Local Government	75(2)	For the specified reasons, power to give written approval.
Local Government	75(4)	Power to decide the conditions of an approval under subsection (2).

Division 2 – Stormwater drains

Entity power given to	Section of LOGA	Description
Local Government	77(1)	Power to, by written notice, require the owner of a property to connect a stormwater installation for the property to the local government's stormwater drain in the way, under the conditions and within the time stated in the notice.
Local Government	77(3)(b)	Power to give approval for the connection to a local government stormwater drain.
Local Government	77(4)	Power to impose conditions on approval for the connection, including about the way the connection must be made.
Local Government	78(4)	Under the specified circumstances, power to, by written notice, require the owner of the property to perform the work stated in the notice, within the time stated in the notice.
Local Government	78(5)	For a notice provided in subsection (4), power to decide a time that is reasonable.
Local Government	79(4)(e)(i)	Power to approve the maximum temperature for a substance.

Part 4 – The business of indigenous local governments

Division 2 – Managing trust land

Entity power given to	Section of LOGA	Description
Trustee Council	85(6)	Power to give written notice of the reasons for the proposed decision to the community forum.

Part 5 – Caretaker period arrangements

Entity power given to	Section of LOGA	Description
Local Government	90B(2)	Power to consider it is necessary to make a major policy decision in the public interest, and power to apply to the Minister for approval to make the decision.

CHAPTER 4 – FINANCES AND ACCOUNTABILITY

Part 1 – Rates and charges

Entity power given to	Section of LOGA	Description
Local Government	95(3)(a)	Power to sign and lodge for registration a request to register a charge over the land on behalf of the local government.
Chief Executive Officer	95(3)(b)	Power to sign a certificate that states there is a charge of the land for overdue rates and charges.
Chief Executive Officer	95(5)(b)	Power to sign a certificate that states the overdue rates and charges have been paid.

CHAPTER 5 – MONITORING AND ENFORCING THE LOCAL GOVERNMENT ACTS

Part 1 – Local governments

Division 3 – Remedial action by minister

Entity power given to	Section of LOGA	Description
Local Government	120(5)	Power to make submissions within the time specified in the notice.

Part 2 – The public

Division 1 – Powers of authorised persons

Subdivision 3 – Powers to enter property etc.

Entity power given to	Section of LOGA	Description
Local Government	133(3)	Power to give, or make a reasonable attempt to give, the occupier of the property a written notice that informs the occupier of the following: (a) the intention to enter the property; (b) the reason for entering the property; (c) an estimation of when the property will be entered.
Local Government	133(4)	Power to give, or make a reasonable attempt to give, written notice to the occupier within a reasonable time before the property is to be entered.
Local Government	137(2)(a)	Power to agree on an amount of compensation for a person who has incurred damage or loss because of the exercise or purported exercise of a power under this division.

Division 2 – Powers of other persons

Entity power given to	Section of LOGA	Description
Local Government	138(4)	Power to authorise a local government worker.
Local Government	138AA(3)(b)	Power to give reasonable entry notice.
Local Government	140(1)(a)	Power to give a remedial notice to the owner of a property.
Owner / Owner's agent	140(2)	Power to enter property at the times stated in the reasonable entry notice and take the action that is required under the remedial notice.
Local Government	142(6)	In the specified circumstances, power to give the person who failed to take the action, written notice of the amount of the debt.
Local Government	143(1)	Power to form a belief that there is no reasonably practicable way of obtaining materials other than by removing the materials from the relevant land.
Person	146(1)	Power to enter the property in accordance with a Court order made under this section.
Person	146(2)	Power to apply to a Magistrate for a Court order.
Local Government	147(3)(a)	Power to agree on an amount of compensation for a person who has incurred damage or loss because of the exercise or purported exercise of a power under this division.

Part 3 – Investigation of local government records**Division 3 – Investigations by local government**

Entity power given to	Section of LOGA	Description
Chief Executive Officer	148F(2)	Power to make all inquiries the Chief Executive Officer considers to be reasonable to find out whether and to what extent the register or record is incorrect/power to direct an authorised person to make such enquiries.
Chief Executive Officer	148G(2)	Power to, in the circumstances in subsection (1) require a person to give information or produce a document, or direct an authorised person to require a person to give information or produce a document.

CHAPTER 5A – COUNCILLOR CONDUCT**Part 3 – Dealing with inappropriate conduct, misconduct and corrupt conduct****Division 2 – Complaints about councillor conduct**

Entity power given to	Section of LOGA	Description
Local Government	150P	In the specified circumstances, the power to refer a complaint to the assessor and to give the assessor all information held by the entity that relates to the complaint.

Division 3 – Local government duties to notify assessor about particular councillor conduct

Entity power given to	Section of LOGA	Description
Local Government	150S(2)	In the specified circumstances, the power to give the assessor a notice about the councillor's conduct and all information held by the local government that relates to the conduct.

Division 5 – Referral of conduct to local government

Entity power given to	Section of LOGA	Description
Local Government	150AF(1)	In the specified circumstances, the power to investigate the conduct of the councillor.
Local Government	150AF(4)	In the specified circumstances, the power to give information to the assessor for further investigation and take no further action in relation to the conduct.

Division 6 – Application to conduct tribunal about misconduct and connected inappropriate conduct

Entity power given to	Section of LOGA	Description
Local Government	150AK(3)	In the specified circumstances, the power to give to the councillor a copy of the application.

Part 4 – Investigation and enforcement powers
Division 2 – Entry of place by investigators
Subdivision 1 – Power to enter

Entity power given to	Section of LOGA	Description
Occupier at a place	150BI(1)(a)	In the specified circumstances, the power to consent to the entry of an investigator to a place.

Subdivision 2 – Entry by consent

Entity power given to	Section of LOGA	Description
Occupier at a place	150BM(1)	In the specified circumstances, the power to sign an acknowledge of the consent to allow an investigator entry to a place.

Division 3 – General powers of investigators after entering places

Entity power given to	Section of LOGA	Description
Occupier at a place	150BV(1)	In the specified circumstances, the power to provide reasonable help to an investigator to exercise a general power.

Division 4 – Seizure by investigators

Subdivision 3 – Safeguards for seized things

Entity power given to	Section of LOGA	Description
Owner of seized thing	150CD(1)	In the specified circumstances, the power to inspect the seized thing, and if it is a document, copy the document.
Owner of seized thing	150CE(3)	In the specified circumstances, the power to apply to the assessor for return of the seized thing.

Division 7 – Review

Subdivision 1 – Internal review

Entity power given to	Section of LOGA	Description
Owner of seized thing	150CO(2)	In the specified circumstances, the power to apply to the assessor for a review of the decision.

Subdivision 2 – External review

Entity power given to	Section of LOGA	Description
Applicant of a Review Decision	150CR	In the specified circumstances, the power to apply to QCAT for a review of the review decision.

Part 5 –**Administration****Division 2 – Councillor conduct tribunal**

Entity power given to	Section of LOGA	Description
Local Government	150DL(1)(a)	In the specified circumstances, the power to request the conduct tribunal to: (a) Investigate the suspected inappropriate conduct of a councillor; (b) to make recommendations to the local government about dealing with the conduct.

Part 6 –**Miscellaneous****Division 1 – Councillor conduct register**

Entity power given to	Section of LOGA	Description
Local Government	150DX(1)	The power to keep an up-to-date register about the specified matters.
Local Government	150DX(2)(a)	The power to publish the register on the local governments website.
Local Government	150DX(2)(b)	The power to make the register publicly available for inspection and to sell copies of an entry in the register, at the local government's public office.

CHAPTER 6 – ADMINISTRATION**Part 2 –****Councillors****Division 3 – Vacancies in councillor's office**

Entity power given to	Section of LOGA	Description
Local Government	162(1)(d)(ii)	In the specified circumstances, power to give leave to a councillor.
Chief Executive Officer	166(6)	In the specified circumstances, power to request the political party to advise the full name and address of its nominee.
Chief Executive Officer	166(8)	Power to, within 14 days after the office become vacant, invite nominations.

Division 5 – Obligations of councillors

Entity power given to	Section of LOGA	Description
Chief Executive Officer	170(4)(b)	Power to make available to the local government each direction mentioned under section 170(a).

Division 5A – Dealing with councillors' personal interests in local government matters

Entity power given to	Section of LOGA	Description
Local Government	175C(3)	In the specified circumstances, power to delegate deciding a matter, unless deciding the matter cannot be delegated under section 257 of the LGA.
Local Government	175E(6)	In the specified circumstances, power to delegate deciding a matter, unless deciding the matter cannot be delegated under section 257 of the LGA.

Division 6 – Conduct and performance of councillors

Entity power given to	Section of LOGA	Description
Entity dealing with the complaint under this division	176A(2)	In the specified circumstances, the power to decided not to take any further action in relation to a complaint about the conduct of a person who is no longer a councillor in the prescribed circumstances.
Entity dealing with the complaint under this division	176A(3)	In the specified circumstances, the power to give to an entity that made the complaint, and the accused person, a written notice that states: (a) no further action will be taken in relation to the complaint; and (b) the reasons for the decision.

Part 5 – Local government employees

Division 3 – Common provisions

Entity power given to	Section of LOGA	Description
Local Government	198(2)	Power to make an agreement with other local governments that an employee may be employed by more than one local government.

CHAPTER 7 – OTHER PROVISIONS

Part 2 – Superannuation

Division 3 – Superannuation contributions for particular employees

Entity power given to	Section of LOGA	Description
Local Government	221(2)(a)	Power to make an agreement with an employee that it is exempt, on the grounds of the employee's financial hardship, from paying all or a stated part of the contributions payable under section 220A(2) by the employee.

Part 4 – Legal provisions

Entity power given to	Section of LOGA	Description
Local Government	236(1)	The power to sign a document on behalf of a local government.

Local Government	240(1)	Power to authorise in writing another employee, other than the chief executive officer, to: (a) give instructions and act as the authorised agent for the local government; and (b) sign all documents for the local government.
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Part 6 – Other provisions

Entity power given to	Section of LOGA	Description
Local Government	262(2)	In the specified circumstances, power to do anything that is necessary or convenient for performing the responsibilities.
Chief Executive Officer	265A(1)(b)	Power to authorise an employee of a local government to conduct searches of registers or documents about the land in the land registry.
Local Government	268A	The power to decide the way in which a local government will conduct a voluntary poll of electors in its area.

Part 12 – Traditional provisions for the Local Government (Councillor Complaints) and Other Legislation Amendment Act 2018

Entity power given to	Section of LOGA	Description
Entity Holding Information	317(3)	In the specified circumstances, power to give information to the assessor.
Entity Holding Information	319(3)	In the specified circumstances, power to give information to the assessor.

LIMITATIONS TO THE EXERCISE OF POWER

1. Where Council in its budget or by resolution allocates an amount for the expenditure of Council funds in relation to a particular matter, in exercising delegated power in relation to that matter, the delegate will only commit Council to reasonably foreseeable expenditure up to the amount allocated.
2. The delegate will not exercise any delegated power in relation to a matter which, to the delegate's knowledge, adversely affects, or is likely to adversely affect, Council's relations with the public at large.
3. The delegate will not exercise any delegated power contrary to a resolution or other decision of Council (including a policy decision relating to the matter).
4. The delegate will not exercise any delegated power in a manner, or which has the foreseeable effect, of being contrary to an adopted Council policy or procedure.
5. The delegate will only exercise a delegated power under this resolution in a manner which complies with the requirements of Council's Planning Scheme, and any exercise of power which involves a departure from or variation of those requirements will only be undertaken by Council.
6. The delegate will not exercise any delegated power which cannot lawfully be the subject of delegation by Council.

[2019 11 18 - LOGA - Sub-Delegation Instrument]

Conditions imposed on all Delegations

1. Delegated powers must be read in the context of other powers and subject to conditions stipulated therein;
2. Delegated powers must be exercised consistently with the provisions of Local Government Acts or Regulations, Council Policies and Procedure, Local Laws and Subordinate Local Laws;
3. Any decisions must be made within the financial delegation of the delegate;
4. The delegate shall not give Council opinions and if opinions are to be provided, may only provide personal opinions of the delegate, not in an official capacity as an employee of the Council;
5. Delegated powers only apply to the delegate to the extent that they relate to a delegate's scope of duties as particularised in the Position Description pertaining to that delegate, or as otherwise approved in writing by the CEO or by Council Policy;
6. A delegate may not sub-delegate a power provided for in this Register to a subordinate staff member without the express written consent of the Chief Executive Officer or under a Policy or Procedure adopted by Council;
7. Any power that is not delegable under a Local Government Act or Regulation, shall not be delegable under this instrument;
8. All delegations are subject to conditions imposed in the original delegation to CEO contained in the Instrument of Delegations of Local Government;

9. Whilst exercising a power, the delegate may take into account Ailan Kastom (section 9(3) LGA 2009); and
10. All Powers delegated to the Chief Executive Officer in this Instrument shall be subject to prior Council consultation where exercise of such Power in all reasonable likelihood shall:
 -
 - a. impact on land and/or sea; and/or
 - b. involve payment of compensation regarding land; and/or
 - c. require a budget amendment.

INSTRUMENT OF DELEGATION

Torres Strait Island Regional Council ***Local Government Regulation 2012 ("LOGR")***

Under section 257 of the *Local Government Act 2009*, Torres Strait Island Regional Council resolves to delegate the exercise of the powers contained in Schedule 1 to the Chief Executive Officer.

These powers must be exercised subject to the limitations contained in Schedule 2.

All prior resolutions delegating the same powers to the Chief Executive Officer are repealed.

Local Government Regulation 2012 ("LOGR")**CHAPTER 3 – THE BUSINESS OF LOCAL GOVERNMENTS****Part 2 – Business reform, including competitive neutrality****Division 7 – Competitive neutrality complaints****Subdivision 2 – Complaint process**

Entity power given to	Section of LOGR	Description
Local Government	55(4)	Power to, within seven (7) days after making the resolution, give notice of the resolution to: (a) The complainant; and (b) The QCA; and (c) If a corporatised business entity is conducting the business activity—the corporatised business entity.

Part 3 – Roads and other infrastructure**Division 2 – Malls**

Entity power given to	Section of LOGR	Description
Local Government	58(2)(b)	Power to permit the use of any part of the mall (including for the use of erecting any structure, for example) on the conditions it considers appropriate.

CHAPTER 4 – RATES AND CHARGES**Part 5 – Differential general rates****Division 2 – Entering land to categorise land**

Entity power given to	Section of LOGR	Description
Chief Executive Officer	83(1)	Power to appoint a qualified person as a categorisation officer for this division.
Local Government	83(2)(b)	Power to authorise a person for the purpose of this division.
Chief Executive Officer	84(1)	Power to give a categorisation officer an identity card.

Division 4 – Objecting to rates category

Entity power given to	Section of LOGR	Description
Chief Executive Officer	91(2)	Power to consider the objection and decide: (a) to change the rating category for the land: (i) to the rating category to which the owner claims in the objection notice the land should belong; or (ii) to another rating category; or (b) not to allow the objection.

Chief Executive Officer	91(3)	Power to give the owner notice of the decision and the reasons for the decision.
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Part 12 –

Overdue rates and charges

Division 3 – Selling or acquiring land for overdue rates or charges

Subdivision 2 – Selling land for overdue rates or charges

Entity power given to	Section of LOGR	Description
Local Government	138(3)	Power to give the State or government entity that has the interest in the land under the State encumbrance a notice of the local government's intention to sell the land, before the local government sells the land.
Local Government	140(3)	In certain circumstances, power to give all interested parties a notice of intention to sell the land.
Local Government	143(1)	Power to set a reserve price for the land at auction.
Local Government	143(2)	In certain circumstances, power to enter into negotiations with the any bidder who attended the auction to sell the land by agreement.
Local Government	144(1)	Power to prepare the sales notice.
Local Government	144(4)	Power to decide to offer the land for sale by negotiation.
Local Government	144(5)(a)	Power to give a copy of the sales notice to each interested party who was given a notice of intention to sell the land.
Local Government	144(5)(b)	Power to publish the sales notice on the local government's website.
Local Government	144(5)(c)	Power to display the sales notice in a conspicuous place in the local government's office.
Local Government	144(5)(d)	Power to display the sales notice in a conspicuous place on the land.
Local Government	144(5)(e)	Power to take all reasonable steps to publish the sales notice in another way to notify the public about the sale of the land.

Subdivision 3 – Acquiring land for overdue rates or charges

Entity power given to	Section of LOGR	Description
Local Government	149(2)	In certain circumstances, power to, as soon as practicable, give all interested parties a notice of intention to acquire the land.

Part 13 –

Land record of local government

Division 1 – Land record

Entity power given to	Section of LOGR	Description
Chief Executive Officer	156(2)	In certain circumstances, power to, as soon as practicable, give the ratepayer an information notice about the amendment.

CHAPTER 5 – FINANCIAL PLANNING AND ACCOUNTABILITY

Part 5 – Community grants

Entity power given to	Section of LOGR	Description
Local Government	194(a)	Power to be satisfied: (a) the grant will be used for a purpose that is in the public interest; and (b) the community organisation meets the criteria stated in the local government's community grants policy.

Part 8 – Local government funds and accounts

Division 1 – Trust fund

Entity power given to	Section of LOGR	Description
Local Government	201(2)	In certain circumstances, power to transfer money from a trust fund.
Local Government	201B(4)	Power to, after the adoption of the budget by the Local Government, publish a notice containing the prescribed things.
Chief Executive Officer	202(2)(a)(ii)	In the specified circumstances, power to approve an allocation of the councillor's discretionary funds.
Chief Executive Officer	202A(2)	In the specified circumstances, power to publish a notice under section 202A(1) on the Local Government's website.

Part 9 – Accounting records

Entity power given to	Section of LOGR	Description
Chief Executive Officer	204(2)	Power to present the financial report: (a) if the local government meets less frequently than monthly—at each meeting of the local government; or (b) otherwise—at a meeting of the local government once a month.
Chief Executive Officer	205(1)	Power to present the local government's annual budget meeting with a statement of estimated financial position.

CHAPTER 6 – CONTRACTING

Part 3 – Default contracting procedures

Division 2 – Entering into particular contracts

Entity power given to	Section of LOGR	Description
Local Government	225(3)	Power to not accept any of the quotes received.
Local Government	225(4)	Power to decide to accept a quote.
Local Government	225(4)	Power to decide which quote is most advantageous to Council, having regard to the sound contracting principles.
Local Government	228(9)	Power to decide not to accept any tenders received.
Local Government	228(10)	Power to decide to accept a tender.

Local Government	228(10)	Power to decide which tender is most advantageous to Council, having regard to the sound contracting principles.
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Division 3 – Exceptions for medium-sized and large-sized contractual arrangements

Entity power given to	Section of LOGR	Description
Local Government	232(2)	In certain circumstances, power to enter into the contract without first inviting written quotes or tenders.
Local Government	232(4)	In certain circumstances, power to establish a register of pre-qualified suppliers.

CHAPTER 8 – ADMINISTRATION

Part 1 – Councillors

Division 1 – Councillor remuneration

Entity power given to	Section of LOGR	Description
Local Government	248(1)	Power to consider that, having regard to exceptional circumstances that apply, a councillor of its local government is entitled to a different amount of remuneration from the remuneration stated in the remuneration schedule for the category of local government to which the local government belongs.

Part 2 – Local government meetings and committees

Division 1A – Requirements for local government meetings generally

Entity power given to	Section of LOGR	Description
Local Government	254B(1)	Power to publish a notice at least once a year, of the days and times when: (a) its ordinary meetings will be held; and (b) the ordinary meetings of its standing committees will be held.
Local Government	254B(1)	Power to consider it appropriate to publish the notice mention in subsection (1) in other ways.

Part 3 – Local government employees

Division 1 – Disciplinary action against local government employees

Entity power given to	Section of LOGR	Description
Chief Executive Officer	279	Power to be satisfied that that the employee has: (a) failed to perform their responsibilities under the Act; or (b) failed to perform a responsibility under the Act in accordance with the local government principles; or (c) taken action under the Act in a way that is not consistent with the local government principles.
Chief Executive Officer	282(1)	Power to be satisfied, on reasonable grounds, that a local government employee will be subject to disciplinary action.

Chief Executive Officer	282(1)	Power to suspend the employee from duty.
Chief Executive Officer	283(1)	Power to give the employee: (a) written notice of the following: (i) the disciplinary action to be taken; (ii) the grounds on which the disciplinary action is taken; (iii) the particulars of conduct claimed to support the grounds; and (b) a reasonable opportunity to respond to the information contained in the written notice.

Part 5 – Register of interests

Division 1 – Disciplinary action against local government employees

Entity power given to	Section of LOGR	Description
Chief Executive Officer	296	In certain circumstances, the power to inform the informed person.

CHAPTER 9 – OTHER PROVISIONS

Part 3 – Delegation of powers

Entity power given to	Section of LOGR	Description
Chief Executive Officer	305(2)	Power to consider it appropriate to include other information in the register.

Part 6 – Loss of local government asset

Entity power given to	Section of LOGR	Description
Chief Executive Officer	307A(1)(b)	Power to form reasonable suspicion that there has been a reportable loss of an asset belonging to the local government.
Chief Executive Officer	307A(3)	Power to be satisfied the material loss is also a reportable loss and power to advise the person specified in subsection (3) as soon as practicable but not more than 6 months after the CEO becomes aware of the loss.

SCHEDULE 4 – PRICING PROVISIONS

Entity power given to	Section of LOGR	Description
Local Government	10(2)	Power to decide the amount for the return on the capital used by a local government in conducting a relevant activity.
Local Government	10(2)	Power to form the opinion that a rate is comparable to the rate which a private sector business conducting the activity would be able to obtain the capital in the market.
Local Government	10(3)	Power to consider appropriate, for the type of business activity, the split between equity and loan capital and the return appropriate to each.

LIMITATIONS TO THE EXERCISE OF POWER

1. Where Council in its budget or by resolution allocates an amount for the expenditure of Council funds in relation to a particular matter, in exercising delegated power in relation to that matter, the delegate will only commit Council to reasonably foreseeable expenditure up to the amount allocated.
2. The delegate will not exercise any delegated power in relation to a matter which, to the delegate's knowledge, adversely affects, or is likely to adversely affect, Council's relations with the public at large.
3. The delegate will not exercise any delegated power contrary to a resolution or other decision of Council (including a policy decision relating to the matter).
4. The delegate will not exercise any delegated power in a manner, or which has the foreseeable effect, of being contrary to an adopted Council policy or procedure.
5. The delegate will only exercise a delegated power under this resolution in a manner which complies with the requirements of Council's Planning Scheme, and any exercise of power which involves a departure from or variation of those requirements will only be undertaken by Council.
6. The delegate will not exercise any delegated power which cannot lawfully be the subject of delegation by Council.

[2020 10 12 - LOGR - Delegation Instrument]

Conditions imposed on all Delegations

1. Delegated powers must be read in the context of other powers and subject to conditions stipulated therein;
2. Delegated powers must be exercised consistently with the provisions of Local Government Acts or Regulations, Council Policies and Procedure, Local Laws and Subordinate Local Laws;
3. Any decisions must be made within the financial delegation of the delegate;
4. The delegate shall not give Council opinions and if opinions are to be provided, may only provide personal opinions of the delegate, not in an official capacity as an employee of the Council;
5. Delegated powers only apply to the delegate to the extent that they relate to a delegate's scope of duties as particularised in the Position Description pertaining to that delegate, or as otherwise approved in writing by the CEO or by Council Policy;
6. A delegate may not sub-delegate a power provided for in this Register to a subordinate staff member without the express written consent of the Chief Executive Officer or under a Policy or Procedure adopted by Council;
7. Any power that is not delegable under a Local Government Act or Regulation, shall not be delegable under this instrument;
8. All delegations are subject to conditions imposed in the original delegation to CEO contained in the Instrument of Delegations of Local Government;

9. Whilst exercising a power, the delegate may take into account Ailan Kastom (section 9(3) LGA 2009); and
10. All Powers delegated to the Chief Executive Officer in this Instrument shall be subject to prior Council consultation where exercise of such Power in all reasonable likelihood shall:
 -
 - a. impact on land and/or sea; and/or
 - b. involve payment of compensation regarding land; and/or
 - c. require a budget amendment.

DELEGABLE POWERS UNDER THE LOCAL GOVERNMENT REGULATION 2012 ("LOGR")

CHAPTER 3 – THE BUSINESS OF LOCAL GOVERNMENTS

Part 2 – Business reform, including competitive neutrality

Division 7 – Competitive neutrality complaints

Subdivision 2 – Complaint process

Entity power given to	Section of LOGR	Description	Delegation to the CEO / Date of Resolution	Sub-Delegation to Officers	Date of Sub-Delegation	Limitations and Conditions
Local Government	55(4)	Power to, within seven (7) days after making the resolution, give notice of the resolution to: (a) The complainant; and (b) The QCA; and (c) If a corporatised business entity is conducting the business activity—the corporatised business entity.				

Part 3 – Roads and other infrastructure

Division 2 – Malls

Entity power given to	Section of LOGR	Description	Delegation to the CEO / Date of Resolution	Sub-Delegation to Officers	Date of Sub-Delegation	Limitations and Conditions
Local Government	58(2)(b)	Power to permit the use of any part of the mall (including for the use of erecting any structure, for example) on the conditions it considers appropriate.				

CHAPTER 4 – RATES AND CHARGES

Part 5 – Differential general rates

Division 2 – Entering land to categorise land

Entity power given to	Section of LOGR	Description	Delegation to the CEO / Date of Resolution	Sub-Delegation to Officers	Date of Sub-Delegation	Limitations and Conditions
Chief Executive Officer	83(1)	Power to appoint a qualified person as a categorisation officer for this division.	This power does not need to be delegated as it is given directly to the CEO under the Act.			
Local Government	83(2)(b)	Power to authorise a person for the purpose of this division.	N/A – land not currently rateable			
Chief Executive Officer	84(1)	Power to give a categorisation officer an identity card.	This power does not need to be delegated as it is given directly to the CEO under the Act.			

Division 4 – Objecting to rates category

Entity power given to	Section of LOGR	Description	Delegation to the CEO / Date of Resolution	Sub-Delegation to Officers	Date of Sub-Delegation	Limitations and Conditions
Chief Executive Officer	91(2)	Power to consider the objection and decide: (a) to change the rating category for the land: (i) to the rating category to which the owner claims in the objection notice the land should belong; or (ii) to another rating category; or	This power does not need to be delegated as it is given directly to the CEO under the Act.			

		(b) not to allow the objection.				
Chief Executive Officer	91(3)	Power to give the owner notice of the decision and the reasons for the decision.	This power does not need to be delegated as it is given directly to the CEO under the Act.			

Part 12 – Overdue rates and charges

Division 3 – Selling or acquiring land for overdue rates or charges

Subdivision 2 – Selling land for overdue rates or charges

Entity power given to	Section of LOGR	Description	Delegation to the CEO / Date of Resolution	Sub-Delegation to Officers	Date of Sub-Delegation	Limitations and Conditions
Local Government	138(3)	Power to give the State or government entity that has the interest in the land under the State encumbrance a notice of the local government's intention to sell the land, before the local government sells the land.	N/A – land not currently rateable			
Local Government	140(3)	In certain circumstances, power to give all interested parties a notice of intention to sell the land.	N/A – land not currently rateable			
Local Government	143(1)	Power to set a reserve price for the land at auction.	N/A – land not currently rateable			
Local Government	143(2)	In certain circumstances, power to enter into negotiations with the any bidder who attended the auction to sell the land by agreement.	N/A – land not currently rateable			
Local Government	144(1)	Power to prepare the sales notice.	N/A – land not currently rateable			

Local Government	144(4)	Power to decide to offer the land for sale by negotiation.	N/A – land not currently rateable			
Local Government	144(5)(a)	Power to give a copy of the sales notice to each interested party who was given a notice of intention to sell the land.	N/A – land not currently rateable			
Local Government	144(5)(b)	Power to publish the sales notice on the local government's website.	N/A – land not currently rateable			
Local Government	144(5)(c)	Power to display the sales notice in a conspicuous place in the local government's office.	N/A – land not currently rateable			
Local Government	144(5)(d)	Power to display the sales notice in a conspicuous place on the land.	N/A – land not currently rateable			
Local Government	144(5)(e)	Power to take all reasonable steps to publish the sales notice in another way to notify the public about the sale of the land.	N/A – land not currently rateable			

Subdivision 3 – Acquiring land for overdue rates or charges

Entity power given to	Section of LOGR	Description	Delegation to the CEO / Date of Resolution	Sub-Delegation to Officers	Date of Sub-Delegation	Limitations and Conditions
Local Government	149(2)	In certain circumstances, power to, as soon as practicable, give all interested parties a notice of intention to acquire the land.	N/A – land not currently rateable			

Part 13 – Land record of local government**Division 1 – Land record**

Entity power given to	Section of LOGR	Description	Delegation to the CEO / Date of Resolution	Sub-Delegation to Officers	Date of Sub-Delegation	Limitations and Conditions
Chief Executive Officer	156(2)	In certain circumstances, power to, as soon as practicable, give the ratepayer an information notice about the amendment.	This power does not need to be delegated as it is given directly to the CEO under the Act.			

CHAPTER 5 – FINANCIAL PLANNING AND ACCOUNTABILITY**Part 5 – Community grants**

Entity power given to	Section of LOGR	Description	Delegation to the CEO / Date of Resolution	Sub-Delegation to Officers	Date of Sub-Delegation	Limitations and Conditions
Local Government	194(a)	Power to be satisfied: (a) the grant will be used for a purpose that is in the public interest; and (b) the community organisation meets the criteria stated in the local government's community grants policy.				

Part 8 – Local government funds and accounts

Division 1 – Trust fund

Entity power given to	Section of LOGR	Description	Delegation to the CEO / Date of Resolution	Sub-Delegation to Officers	Date of Sub-Delegation	Limitations and Conditions
Local Government	201(2)	In certain circumstances, power to transfer money from a trust fund.				
Local Government	201B(4)	Power to, after the adoption of the budget by the Local Government, publish a notice containing the prescribed things.				
Chief Executive Officer	202(2)(a)(ii)	In the specified circumstances, power to approve an allocation of the councillor's discretionary funds.				The Mayor's approval is also required to approve the allocation of councillor's discretionary funds
Chief Executive Officer	202A(2)	In the specified circumstances, power to publish a notice under section 202A(1) on the Local Government's website.				

Part 9 – Accounting records

Entity power given to	Section of LOGR	Description	Delegation to the CEO / Date of Resolution	Sub-Delegation to Officers	Date of Sub-Delegation	Limitations and Conditions
Chief Executive Officer	204(2)	Power to present the financial report: (a) if the local government meets less frequently than monthly—at each meeting of the local government; or (b) otherwise—at a meeting of the local government once a month.	This power does not need to be delegated as it is given directly to the CEO under the Act.			
Chief Executive Officer	205(1)	Power to present the local government's annual budget meeting with a statement of estimated financial position.	This power does not need to be delegated as it is			

			given directly to the CEO under the Act.			
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CHAPTER 6 – CONTRACTING

Part 3 – Default contracting procedures

Division 2 – Entering into particular contracts

Entity power given to	Section of LOGR	Description	Delegation to the CEO / Date of Resolution	Sub-Delegation to Officers	Date of Sub-Delegation	Limitations and Conditions
Local Government	225(3)	Power to not accept any of the quotes received.				Notification by way of Information Report to the next available Ordinary Meeting.
Local Government	225(4)	Power to decide to accept a quote.				Notification by way of Information Report to the next available Ordinary Meeting.
Local Government	225(4)	Power to decide which quote is most advantageous to Council, having regard to the sound contracting principles.				
Local Government	228(9)	Power to decide not to accept any tenders received.				
Local Government	228(10)	Power to decide to accept a tender.				
Local Government	228(10)	Power to decide which tender is most advantageous to Council, having regard to the sound contracting principles.				

Division 3 – Exceptions for medium-sized and large-sized contractual arrangements

Entity power given to	Section of LOGR	Description	Delegation to the CEO / Date of Resolution	Sub-Delegation to Officers	Date of Sub-Delegation	Limitations and Conditions
Local Government	232(2)	In certain circumstances, power to enter into the contract without first inviting written quotes or tenders.				
Local Government	232(4)	In certain circumstances, power to establish a register of pre-qualified suppliers.				

CHAPTER 8 – ADMINISTRATION

Part 1 – Councillors

Division 1 – Councillor remuneration

Entity power given to	Section of LOGR	Description	Delegation to the CEO / Date of Resolution	Sub-Delegation to Officers	Date of Sub-Delegation	Limitations and Conditions
Local Government	248(1)	Power to consider that, having regard to exceptional circumstances that apply, a councillor of its local government is entitled to a different amount of remuneration from the remuneration stated in the remuneration schedule for the category of local government to which the local government belongs.	N/A			

Part 2 – Local government meetings and committees

Division 1A – Requirements for local government meetings generally

Entity power given to	Section of LOGR	Description	Delegation to the CEO / Date of Resolution	Sub-Delegation to Officers	Date of Sub-Delegation	Limitations and Conditions
Local Government	254B(1)	Power to publish a notice at least once a year, of the days and times when: (a) its ordinary meetings will be held; and (b) the ordinary meetings of its standing committees will be held.				Commences 12 October 2020 immediately after the commencement of section 81 of the <i>Electoral and Other Legislation (Accountability, Integrity and Other Matters) Amendment Act 2020</i>
Local Government	254B(1)	Power to consider it appropriate to publish the notice mention in subsection (1) in other ways.				Commences 12 October 2020 immediately after the commencement of section 81 of the <i>Electoral and Other Legislation (Accountability, Integrity and Other Matters) Amendment Act 2020</i>

Part 3 – Local government employees

Division 1 – Disciplinary action against local government employees

Entity power given to	Section of LOGR	Description	Delegation to the CEO / Date of Resolution	Sub-Delegation to Officers	Date of Sub-Delegation	Limitations and Conditions
Chief Executive Officer	279	Power to be satisfied that that the employee has: (a) failed to perform their responsibilities under the Act; or (b) failed to perform a responsibility under the Act in accordance with the local government principles; or (c) taken action under the Act in a way that is not consistent with the local government principles.	This power does not need to be delegated as it is given directly to the CEO under the Act.			
Chief Executive Officer	282(1)	Power to be satisfied, on reasonable grounds, that a local government employee will be subject to disciplinary action.	This power does not need to be delegated as it is given directly to the CEO under the Act.			
Chief Executive Officer	282(1)	Power to suspend the employee from duty.	This power does not need to be delegated as it is given directly to the CEO under the Act.			
Chief Executive Officer	283(1)	Power to give the employee: (a) written notice of the following: (i) the disciplinary action to be taken; (ii) the grounds on which the disciplinary action is taken;	This power does not need to be delegated as it is given directly to the CEO under the Act.			

		(iii) the particulars of conduct claimed to support the grounds; and (b) a reasonable opportunity to respond to the information contained in the written notice.				
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Part 5 – Register of interests

Division 1 – Disciplinary action against local government employees

Entity power given to	Section of LOGR	Description	Delegation to the CEO / Date of Resolution	Sub-Delegation to Officers	Date of Sub-Delegation	Limitations and Conditions
Chief Executive Officer	296	In certain circumstances, the power to inform the informed person.	This power does not need to be delegated as it is given directly to the CEO under the Act.			

CHAPTER 9 – OTHER PROVISIONS

Part 3 – Delegation of powers

Entity power given to	Section of LOGR	Description	Delegation to the CEO / Date of Resolution	Sub-Delegation to Officers	Date of Sub-Delegation	Limitations and Conditions
Chief Executive Officer	305(2)	Power to consider it appropriate to include other information in the register.	This power does not need to be delegated as it is given directly to the CEO under the Act.			

Part 6 – Loss of local government asset

Entity power given to	Section of LOGR	Description	Delegation to the CEO / Date of Resolution	Sub-Delegation to Officers	Date of Sub-Delegation	Limitations and Conditions
Chief Executive Officer	307A(1)(b)	Power to form reasonable suspicion that there has been a reportable loss of an asset belonging to the local government.	This power does not need to be delegated as it is given directly to the CEO under the Act.			
Chief Executive Officer	307A(3)	Power to be satisfied the material loss is also a reportable loss and power to advise the person specified in subsection (3) as soon as practicable but not more than 6 months after the CEO becomes aware of the loss.	This power does not need to be delegated as it is given directly to the CEO under the Act.			

SCHEDULE 4 – PRICING PROVISIONS

Entity power given to	Section of LOGR	Description	Delegation to the CEO / Date of Resolution	Sub-Delegation to Officers	Date of Sub-Delegation	Limitations and Conditions
Local Government	10(2)	Power to decide the amount for the return on the capital used by a local government in conducting a relevant activity.				
Local Government	10(2)	Power to form the opinion that a rate is comparable to the rate which a private sector business conducting the activity would be able to obtain the capital in the market.				
Local Government	10(3)	Power to consider appropriate, for the type of business activity, the split between equity and loan capital and the return appropriate to each.				

[2020 10 12 - LOGR - Delegation Table]

INSTRUMENT OF SUB-DELEGATION

Torres Strait Island Regional Council
Local Government Regulation 2012 ("LOGR")

Under section 259 of the *Local Government Act 2009*, I, **Bruce Ranga**, Chief Executive Officer of **Torres Strait Island Regional Council**, delegate to those positions which are specified in Schedule 1, the exercise of the powers contained in Schedule 2.

These powers must be exercised subject to the limitations contained in Schedule 3.

This Instrument of Sub-Delegation repeals all prior Instruments sub-delegating to the positions specified in Schedule 1 the exercise of the powers contained in Schedule 2.

My authority to make these sub-delegations is conferred by the *Local Government Act 2009* and the resolution of **Torres Strait Island Regional Council** made on **Insert date** to delegate those powers to the Chief Executive Officer.

DATED this _____ day of _____, 2018.

Bruce Ranga
Chief Executive Officer
Torres Strait Island Regional Council

Position: Insert Position
Position Code: Insert Position Code

POWERS SUB-DELEGATED

Local Government Regulation 2012 ("LOGR")

CHAPTER 3 – THE BUSINESS OF LOCAL GOVERNMENTS

Part 2 – Business reform, including competitive neutrality

Division 7 – Competitive neutrality complaints

Subdivision 2 – Complaint process

Entity power given to	Section of LOGR	Description
Local Government	55(4)	Power to, within seven (7) days after making the resolution, give notice of the resolution to: (a) The complainant; and (b) The QCA; and (c) If a corporatised business entity is conducting the business activity—the corporatised business entity.

Part 3 – Roads and other infrastructure

Division 2 – Malls

Entity power given to	Section of LOGR	Description
Local Government	58(2)(b)	Power to permit the use of any part of the mall (including for the use of erecting any structure, for example) on the conditions it considers appropriate.

CHAPTER 4 – RATES AND CHARGES

Part 5 – Differential general rates

Division 2 – Entering land to categorise land

Entity power given to	Section of LOGR	Description
Chief Executive Officer	83(1)	Power to appoint a qualified person as a categorisation officer for this division.
Local Government	83(2)(b)	Power to authorise a person for the purpose of this division.
Chief Executive Officer	84(1)	Power to give a categorisation officer an identity card.

Division 4 – Objecting to rates category

Entity power given to	Section of LOGR	Description
Chief Executive Officer	91(2)	Power to consider the objection and decide: (a) to change the rating category for the land:

		(i) to the rating category to which the owner claims in the objection notice the land should belong; or (ii) to another rating category; or (b) not to allow the objection.
Chief Executive Officer	91(3)	Power to give the owner notice of the decision and the reasons for the decision.

Part 12 –

Overdue rates and charges

Division 3 – Selling or acquiring land for overdue rates or charges

Subdivision 2 – Selling land for overdue rates or charges

Entity power given to	Section of LOGR	Description
Local Government	138(3)	Power to give the State or government entity that has the interest in the land under the State encumbrance a notice of the local government's intention to sell the land, before the local government sells the land.
Local Government	140(3)	In certain circumstances, power to give all interested parties a notice of intention to sell the land.
Local Government	143(1)	Power to set a reserve price for the land at auction.
Local Government	143(2)	In certain circumstances, power to enter into negotiations with the any bidder who attended the auction to sell the land by agreement.
Local Government	144(1)	Power to prepare the sales notice.
Local Government	144(4)	Power to decide to offer the land for sale by negotiation.
Local Government	144(5)(a)	Power to give a copy of the sales notice to each interested party who was given a notice of intention to sell the land.
Local Government	144(5)(b)	Power to publish the sales notice on the local government's website.
Local Government	144(5)(c)	Power to display the sales notice in a conspicuous place in the local government's office.
Local Government	144(5)(d)	Power to display the sales notice in a conspicuous place on the land.
Local Government	144(5)(e)	Power to take all reasonable steps to publish the sales notice in another way to notify the public about the sale of the land.

Subdivision 3 – Acquiring land for overdue rates or charges

Entity power given to	Section of LOGR	Description
Local Government	149(2)	In certain circumstances, power to, as soon as practicable, give all interested parties a notice of intention to acquire the land.

Part 13 –

Land record of local government

Division 1 – Land record

Entity power given to	Section of LOGR	Description
Chief Executive Officer	156(2)	In certain circumstances, power to, as soon as practicable, give the ratepayer an information notice about the amendment.

CHAPTER 5 – FINANCIAL PLANNING AND ACCOUNTABILITY

Part 5 – Community grants

Entity power given to	Section of LOGR	Description
Local Government	194(a)	Power to be satisfied: (a) the grant will be used for a purpose that is in the public interest; and (b) the community organisation meets the criteria stated in the local government's community grants policy.

Part 8 – Local government funds and accounts

Division 1 – Trust fund

Entity power given to	Section of LOGR	Description
Local Government	201(2)	In certain circumstances, power to transfer money from a trust fund.
Local Government	201B(4)	Power to, after the adoption of the budget by the Local Government, publish a notice containing the prescribed things.
Chief Executive Officer	202(2)(a)(ii)	In the specified circumstances, power to approve an allocation of the councillor's discretionary funds.
Chief Executive Officer	202A(2)	In the specified circumstances, power to publish a notice under section 202A(1) on the Local Government's website.

Part 9 – Accounting records

Entity power given to	Section of LOGR	Description
Chief Executive Officer	204(2)	Power to present the financial report: (a) if the local government meets less frequently than monthly—at each meeting of the local government; or (b) otherwise—at a meeting of the local government once a month.
Chief Executive Officer	205(1)	Power to present the local government's annual budget meeting with a statement of estimated financial position.

CHAPTER 6 – CONTRACTING

Part 3 – Default contracting procedures

Division 2 – Entering into particular contracts

Entity power given to	Section of LOGR	Description
Local Government	225(3)	Power to not accept any of the quotes received.
Local Government	225(4)	Power to decide to accept a quote.
Local Government	225(4)	Power to decide which quote is most advantageous to Council, having regard to the sound contracting principles.
Local Government	228(9)	Power to decide not to accept any tenders received.

Local Government	228(10)	Power to decide to accept a tender.
Local Government	228(10)	Power to decide which tender is most advantageous to Council, having regard to the sound contracting principles.

Division 3 – Exceptions for medium-sized and large-sized contractual arrangements

Entity power given to	Section of LOGR	Description
Local Government	232(2)	In certain circumstances, power to enter into the contract without first inviting written quotes or tenders.
Local Government	232(4)	In certain circumstances, power to establish a register of pre-qualified suppliers.

CHAPTER 8 – ADMINISTRATION

Part 1 – Councillors

Division 1 – Councillor remuneration

Entity power given to	Section of LOGR	Description
Local Government	248(1)	Power to consider that, having regard to exceptional circumstances that apply, a councillor of its local government is entitled to a different amount of remuneration from the remuneration stated in the remuneration schedule for the category of local government to which the local government belongs.

Part 2 – Local government meetings and committees

Division 1A – Requirements for local government meetings generally

Entity power given to	Section of LOGR	Description
Local Government	254B(1)	Power to publish a notice at least once a year, of the days and times when: (a) its ordinary meetings will be held; and (b) the ordinary meetings of its standing committees will be held.
Local Government	254B(1)	Power to consider it appropriate to publish the notice mention in subsection (1) in other ways.

Part 3 – Local government employees

Division 1 – Disciplinary action against local government employees

Entity power given to	Section of LOGR	Description
Chief Executive Officer	279	Power to be satisfied that that the employee has: (a) failed to perform their responsibilities under the Act; or (b) failed to perform a responsibility under the Act in accordance with the local government principles; or (c) taken action under the Act in a way that is not consistent with the local government principles.

Chief Executive Officer	282(1)	Power to be satisfied, on reasonable grounds, that a local government employee will be subject to disciplinary action.
Chief Executive Officer	282(1)	Power to suspend the employee from duty.
Chief Executive Officer	283(1)	Power to give the employee: (a) written notice of the following: (i) the disciplinary action to be taken; (ii) the grounds on which the disciplinary action is taken; (iii) the particulars of conduct claimed to support the grounds; and (b) a reasonable opportunity to respond to the information contained in the written notice.

Part 5 – Register of interests

Division 1 – Disciplinary action against local government employees

Entity power given to	Section of LOGR	Description
Chief Executive Officer	296	In certain circumstances, the power to inform the informed person.

CHAPTER 9 – OTHER PROVISIONS

Part 3 – Delegation of powers

Entity power given to	Section of LOGR	Description
Chief Executive Officer	305(2)	Power to consider it appropriate to include other information in the register.

Part 6 – Loss of local government asset

Entity power given to	Section of LOGR	Description
Chief Executive Officer	307A(1)(b)	Power to form reasonable suspicion that there has been a reportable loss of an asset belonging to the local government.
Chief Executive Officer	307A(3)	Power to be satisfied the material loss is also a reportable loss and power to advise the person specified in subsection (3) as soon as practicable but not more than 6 months after the CEO becomes aware of the loss.

SCHEDULE 4 – PRICING PROVISIONS

Entity power given to	Section of LOGR	Description
Local Government	10(2)	Power to decide the amount for the return on the capital used by a local government in conducting a relevant activity.
Local Government	10(2)	Power to form the opinion that a rate is comparable to the rate which a private sector business conducting the activity would be able to obtain the capital in the market.

Local Government	10(3)	Power to consider appropriate, for the type of business activity, the split between equity and loan capital and the return appropriate to each.
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LIMITATIONS TO THE EXERCISE OF POWER

7. Where Council in its budget or by resolution allocates an amount for the expenditure of Council funds in relation to a particular matter, in exercising delegated power in relation to that matter, the delegate will only commit Council to reasonably foreseeable expenditure up to the amount allocated.
8. The delegate will not exercise any delegated power in relation to a matter which, to the delegate's knowledge, adversely affects, or is likely to adversely affect, Council's relations with the public at large.
9. The delegate will not exercise any delegated power contrary to a resolution or other decision of Council (including a policy decision relating to the matter).
10. The delegate will not exercise any delegated power in a manner, or which has the foreseeable effect, of being contrary to an adopted Council policy or procedure.
11. The delegate will only exercise a delegated power under this resolution in a manner which complies with the requirements of Council's Planning Scheme, and any exercise of power which involves a departure from or variation of those requirements will only be undertaken by Council.
12. The delegate will not exercise any delegated power which cannot lawfully be the subject of delegation by Council.

[2020 10 12 - LOGR - Sub-Delegation Instrument]

Conditions imposed on all Delegations

1. Delegated powers must be read in the context of other powers and subject to conditions stipulated therein;
2. Delegated powers must be exercised consistently with the provisions of Local Government Acts or Regulations, Council Policies and Procedure, Local Laws and Subordinate Local Laws;
3. Any decisions must be made within the financial delegation of the delegate;
4. The delegate shall not give Council opinions and if opinions are to be provided, may only provide personal opinions of the delegate, not in an official capacity as an employee of the Council;
5. Delegated powers only apply to the delegate to the extent that they relate to a delegate's scope of duties as particularised in the Position Description pertaining to that delegate, or as otherwise approved in writing by the CEO or by Council Policy;
6. A delegate may not sub-delegate a power provided for in this Register to a subordinate staff member without the express written consent of the Chief Executive Officer or under a Policy or Procedure adopted by Council;
7. Any power that is not delegable under a Local Government Act or Regulation, shall not be delegable under this instrument;
8. All delegations are subject to conditions imposed in the original delegation to CEO contained in the Instrument of Delegations of Local Government;

9. Whilst exercising a power, the delegate may take into account Ailan Kastom (section 9(3) LGA 2009); and
10. All Powers delegated to the Chief Executive Officer in this Instrument shall be subject to prior Council consultation where exercise of such Power in all reasonable likelihood shall:
 -
 - a. impact on land and/or sea; and/or
 - b. involve payment of compensation regarding land; and/or
 - c. require a budget amendment.

INSTRUMENT OF DELEGATION

Torres Strait Island Regional Council ***Mineral Resources Act 1989 ("MIRA")***

Under section 257 of the *Local Government Act 2009*, Torres Strait Island Regional Council resolves to delegate the exercise of the powers contained in Schedule 1 to the Chief Executive Officer.

These powers must be exercised subject to the limitations contained in Schedule 2.

All prior resolutions delegating the same powers to the Chief Executive Officer are repealed.

Mineral Resources Act 1989 ("MIRA")**CHAPTER 2 – PROSPECTING PERMITS****Part 1 – Prospecting Permit Categories and Entitlements**

Entity power given to	Section of MIRA	Description
Owner of a Reserve	19(1)	In the specified circumstances, the power to give written consent to a parcel prospecting permit holder entering the surface of a reserve for prospecting purposes.
Owner of Occupied Land	19(2)	In the specified circumstances, the power to give written consent to a district prospecting permit holder entering the surface of occupied land.
Owner of Occupied Land	19(3)	In the specified circumstances, the power to give written consent to a prospecting permit holder entering occupied land for hand mining only.
Occupier of Land	20(3)	In the specified circumstances, the power to give a prospecting permit holder consent to enter land.
Owner or Occupier of Land	20(6)	In the specified circumstances, the power to, by written notice given to a prospecting permit holder and the mining registrar, amend or withdraw a consent given for land.

Part 2 – Other Provisions About Prospecting Permits

Entity power given to	Section of MIRA	Description
Owner of any Land	26(3)	Power to apply in writing to the mining registrar to rectify damage referred to in section 26(1) of the <i>Mineral Resources Act 1989</i> that has been caused by an activity allegedly authorised under a prospecting permit in respect of the land.
Owner of Occupied Land	26(9)(a)(i)	In the specified circumstances, the power to give the mining registrar written approval to refund the security.
Owner of Land	32(2)	Power to accept a shorter time period within which notice must be given by a parcel prospecting permit holder before entry to the land.
Owner of Land	34(1)	In the specified circumstances, the power to report to the chief executive.
Owner of Land or Agent	46(1)(b)	In the specified circumstances, the power to ask that a person purporting to enter or be upon land under the authority of a prospecting permit, produce the prospecting permit.
Owner of Occupied Land	47(1)	In the specified circumstances, the power to give written consent to a person, entitled to enter occupied land under a district prospecting permit, entering the land at night.
Owner of Occupied Land	47(2)	In the specified circumstances, the power to give written consent to a person, entitled to enter occupied land under a parcel prospecting permit, entering the land at night.
Occupier of Land	47(4)	In the specified circumstances, the power to give consent.

CHAPTER 3 – MINING CLAIMS

Entity power given to	Section of MIRA	Description
Owner of Restricted Land	51(2)(a)	In the specified circumstances, the power to give written consent to an application for a mining claim over the surface of restricted land being lodged.
Owner of Reserve	54(a)	In the specified circumstances, the power to give consent to the granting of a mining claim over a reserve.
Owner of Land	65(1)(a)	In the specified circumstances, the power to give the chief executive a written request for a conference.
Relevant Local Government	71(1)	Lodge a written objection in the approved form to an application for a mining claim.
Owner of Land	71(2)	In the specified circumstances and within the specified time periods, the power to lodge an objection to an application for a mining claim.
Objector	71A(1)	To withdraw an objection to an application for a mining claim by giving written notice of the withdrawal.
Owner of Land	85(1)(a)	In the specified circumstances, the power to agree with the applicant for a mining claim on an amount of compensation.
Interested Party	85(4)	In the specified circumstances, the power to apply in writing to the Land Court.
Owner of Land	125(9)(a)(i)	In the specified circumstances, the power to give written consent to an application under section 125 of the <i>Mineral Resources Act 1989</i> being lodged.
Owner of Land	125(10)	In the specified circumstances, the power to agree with a mining claim holder on compensation payable in respect of the proposed use of the land as access in respect of the mining claim.

CHAPTER 4 – EXPLORATION PERMITS

Part 1 – Preliminary

Entity power given to	Section of MIRA	Description
Owner of Restricted Land	129(3)(a)	In the specified circumstances, the power to give written consent to a person entering the surface of the restricted land.
Owner of Reserve	129(6)	In the specified circumstances, the power to withdraw consent given under section 129(1)(a)(ii) of the <i>Mineral Resources Act 1989</i> by giving written notice to the chief executive.

Part 4 – Other Provisions About Exploration Permit

Owner of Land or Agent	167(1)(b)	In the specified circumstances, the power to ask that a person purporting to enter or be on land under the authority of an exploration permit to produce the exploration permit or a copy of the exploration permit.
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CHAPTER 5 – MINERAL DEVELOPMENT LICENCES

Part 1 – Mineral Development Licences Generally

Entity power given to	Section of MIRA	Description
Owner of Land	190(7)	In the specified circumstances, the power to lodge a claim for rectification of actual damage to land caused under the authority, or purported authority, of a mineral development licence.
Owner of Land	190(8)(a)	In the specified circumstances, the power to certify that there is no actual damage to land that should be rectified.
Owner of Land or Agent	216(1)(b)	In the specified circumstances, the power to ask that a person purporting to enter or be on land under the authority of a mineral development licence to produce the mineral development licence or a copy of the mineral development licence.

CHAPTER 6 – MINING LEASES

Part 1 – Mining Leases Generally

Entity power given to	Section of MIRA	Description
Owner of Land	237(2)(d)(i)	In the specified circumstances, the power to consent to an application to conduct drilling and other activities on land not included in the surface area covered under a mining lease.
Owner of Land	237(2)(d)(ii)	In the specified circumstances, the power to agree with the mining lease holder about the compensation payable for the activities.
Owner of Restricted Land	238(1)(a)	Power to give written consent to a mining lease application.
Affected Person	260(1)	Power to lodge an objection in writing in an approved form before the objection date for the application of a mining lease.
Objector	260(4)	Power to serve a copy of the objection lodged by the objector in respect of an application for a grant of a mining lease.
Owner of Land	261(1)	In the specified circumstances, the power to withdraw an objection to an application for a grant of a mining lease.
Owner of Restricted Land	275A(2)(a)	In the specified circumstances, the power to consent in writing to an application to include the surface of restricted land for the mining lease in the mining lease.
Owner of Land	279(1)(a)	In the specified circumstances, the power to agree with a mining lease holder on compensation.
Owner of Land	280(1)	In the specified circumstances, the power to agree with the holder of a mining lease as to compensation for any damage caused to the surface of the land.
Person who could be party to an agreement under section 279 or 280	281(1)	In the specified circumstances, the power to apply in writing to the Land Court to have the Land Court determine compensation.
Owner of Land	283A(2)	In the specified circumstances, the power to agree to amend the original compensation (the amended agreement).

Owner of Land	317(10)	In the specified circumstances, the power to agree with the holder of a mining lease on compensation payable in respect of the proposed use of the land as access in respect of a mining lease.
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CHAPTER 12A – PROVISIONS ABOUT WATER FOR MINERAL DEVELOPMENT LICENCES AND MINING LEASES

Part 4 – Water monitoring bores

Division 1 – Transfer of water monitoring bores

Entity power given to	Section of MIRA	Description
Owner of a Water Monitoring Bore	334ZZO(1)	Power to transfer the bore to a landowner in the specified circumstances.
Land Owner	334ZZO(2)(b)	Power to consent to the transfer.
Owner of a Water Monitoring Bore	334ZZP(1)	In the specified circumstances, the power to transfer the bore to the State.
Owner of a Water Monitoring Bore	334ZZQ(1)	In the specified circumstances, the power to transfer the bore to a holder of a mineral development licence, mining lease or water monitoring authority.

CHAPTER 13 – ADMINISTRATION AND JUDICIAL FUNCTIONS

Part 4 – Remediation of abandoned mine sites and rehabilitation of final rehabilitation sites

Entity power given to	Section of MIRA	Description
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Division 2 – Authorisation to carry out remediation activities or rehabilitation activities

Owner or Occupier	344G(4)	Power to give consent to the authorised person to enter the land and to sign an acknowledgement of consent
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Division 3 – Compensation

Owner of Land	345(1)(a)	In the specified circumstances, the power to enter into a compensation agreement with the holder of an environmental authority who is authorised under section 344A(3) to enter land.
Owner of Land	345(3)	Power to apply in writing to the Chief Executive to have the Land Court decide the amount of compensation and the terms, conditions and times of its payment payable under section 345(1)(a)

CHAPTER 14 – MISCELLANEOUS

Entity power given to	Section of MIRA	Description
Owner of Land	403(1)(e)	In the specified circumstances, the power to authorise a person to enter, be upon, use, occupy, or erect any building or structure on or make any other improvement to land.

SCHEDULE 1 – CONDITIONS OF CARRYING OUT ACTIVITY FOR BOUNDARY DEFINITION PURPOSES

Entity power given to	Section of MIRA	Description
Owner of Occupier of Restricted Land	2(1)(a)	Power to give written consent to enter restricted land.
Owner of Land	3(1)(a)	Power to give written consent for a person to enter occupied land.
Occupier of Occupied Land	3(3)	In certain circumstances, power to give consent to a person to enter occupied land.
Owner of Reserve	4(1)(b)	Power to impose reasonable and relevant conditions on entry by a person under section 386V to the surface of a reserve.

LIMITATIONS TO THE EXERCISE OF POWER

1. Where Council in its budget or by resolution allocates an amount for the expenditure of Council funds in relation to a particular matter, in exercising delegated power in relation to that matter, the delegate will only commit Council to reasonably foreseeable expenditure up to the amount allocated.
2. The delegate will not exercise any delegated power in relation to a matter which, to the delegate's knowledge, adversely affects, or is likely to adversely affect, Council's relations with the public at large.
3. The delegate will not exercise any delegated power contrary to a resolution or other decision of Council (including a policy decision relating to the matter).
4. The delegate will not exercise any delegated power in a manner, or which has the foreseeable effect, of being contrary to an adopted Council policy or procedure.
5. The delegate will only exercise a delegated power under this resolution in a manner which complies with the requirements of Council's Planning Scheme, and any exercise of power which involves a departure from or variation of those requirements will only be undertaken by Council.
6. The delegate will not exercise any delegated power which cannot lawfully be the subject of delegation by Council.

[2020 07 01 - MIRA - Delegation Instrument]

Conditions imposed on all Delegations

1. Delegated powers must be read in the context of other powers and subject to conditions stipulated therein;
2. Delegated powers must be exercised consistently with the provisions of Local Government Acts or Regulations, Council Policies and Procedure, Local Laws and Subordinate Local Laws;
3. Any decisions must be made within the financial delegation of the delegate;
4. The delegate shall not give Council opinions and if opinions are to be provided, may only provide personal opinions of the delegate, not in an official capacity as an employee of the Council;
5. Delegated powers only apply to the delegate to the extent that they relate to a delegate's scope of duties as particularised in the Position Description pertaining to that delegate, or as otherwise approved in writing by the CEO or by Council Policy;
6. A delegate may not sub-delegate a power provided for in this Register to a subordinate staff member without the express written consent of the Chief Executive Officer or under a Policy or Procedure adopted by Council;
7. Any power that is not delegable under a Local Government Act or Regulation, shall not be delegable under this instrument;
8. All delegations are subject to conditions imposed in the original delegation to CEO contained in the Instrument of Delegations of Local Government;

9. Whilst exercising a power, the delegate must take into account Ailan Kastom as defined in section 6 of the *Torres Strait Islander Land Act 1991* (Qld); and
10. All Powers delegated to the Chief Executive Officer in this Instrument shall be subject to prior Council consultation where exercise of such Power in all reasonable likelihood shall:
 -
 - a. impact on land and/or sea; and/or
 - b. involve payment of compensation regarding land; and/or
 - c. require a budget amendment.

DELEGABLE POWERS UNDER THE MINERAL RESOURCES ACT 1989 ("MIRA")

CHAPTER 2 – PROSPECTING PERMITS

Part 1 – Prospecting Permit Categories and Entitlements

Entity power given to	Section of MIRA	Description	Delegation to the CEO / Date of Resolution	Sub-Delegation to Officers	Date of Sub-Delegation	Limitations and Conditions
Owner of a Reserve	19(1)	In the specified circumstances, the power to give written consent to a parcel prospecting permit holder entering the surface of a reserve for prospecting purposes.	N/A			
Owner of Occupied Land	19(2)	In the specified circumstances, the power to give written consent to a district prospecting permit holder entering the surface of occupied land.	N/A			
Owner of Occupied Land	19(3)	In the specified circumstances, the power to give written consent to a prospecting permit holder entering occupied land for hand mining only.	Delegation of this power to be made on a case-by-case basis only.			
Occupier of Land	20(3)	In the specified circumstances, the power to give a prospecting permit holder consent to enter land.				Subject to consultation with the Divisional Councillor
Owner or Occupier of Land	20(6)	In the specified circumstances, the power to, by written notice given to a prospecting permit holder and the mining registrar, amend or withdraw a consent given for land.	Delegation of this power to be made on a case-by-case basis only.			

Part 2 – Other Provisions About Prospecting Permits

Entity power given to	Section of MIRA	Description	Delegation to the CEO / Date of Resolution	Sub-Delegation to Officers	Date of Sub-Delegation	Limitations and Conditions
Owner of any Land	26(3)	Power to apply in writing to the mining registrar to rectify damage referred to in section 26(1) of the <i>Mineral Resources Act 1989</i> that has been caused by an activity allegedly authorised under a prospecting permit in respect of the land.				
Owner of Occupied Land	26(9)(a)(i)	In the specified circumstances, the power to give the mining registrar written approval to refund the security.	Delegation of this power to be made on a case-by-case basis only.			
Owner of Land	32(2)	Power to accept a shorter time period within which notice must be given by a parcel prospecting permit holder before entry to the land.	Delegation of this power to be made on a case-by-case basis only.			
Owner of Land	34(1)	In the specified circumstances, the power to report to the chief executive.				
Owner of Land or Agent	46(1)(b)	In the specified circumstances, the power to ask that a person purporting to enter or be upon land under the authority of a prospecting permit, produce the prospecting permit.				
Owner of Occupied Land	47(1)	In the specified circumstances, the power to give written consent to a person, entitled to enter occupied land under a district prospecting permit, entering the land at night.				Subject to consultation with the Divisional Councillor
Owner of Occupied Land	47(2)	In the specified circumstances, the power to give written consent to a person, entitled to enter occupied land under a parcel prospecting permit, entering the land at night.				Subject to consultation with the Divisional Councillor

Occupier of Land	47(4)	In the specified circumstances, the power to give consent.				Subject to consultation with the Divisional Councillor
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CHAPTER 3 – MINING CLAIMS

Entity power given to	Section of MIRA	Description	Delegation to the CEO / Date of Resolution	Sub-Delegation to Officers	Date of Sub-Delegation	Limitations and Conditions
Owner of Restricted Land	51(2)(a)	In the specified circumstances, the power to give written consent to an application for a mining claim over the surface of restricted land being lodged.	N/A			
Owner of Reserve	54(a)	In the specified circumstances, the power to give consent to the granting of a mining claim over a reserve.	N/A			
Owner of Land	65(1)(a)	In the specified circumstances, the power to give the chief executive a written request for a conference.				
Relevant Local Government	71(1)	Lodge a written objection in the approved form to an application for a mining claim.	N/A			
Owner of Land	71(2)	In the specified circumstances and within the specified time periods, the power to lodge an objection to an application for a mining claim.				
Objector	71A(1)	To withdraw an objection to an application for a mining claim by giving written notice of the withdrawal.				Subject to consultation with the Divisional Councillor
Owner of Land	85(1)(a)	In the specified circumstances, the power to agree with the applicant for a mining claim on an amount of compensation.	N/A			
Interested Party	85(4)	In the specified circumstances, the power to apply in writing to the Land Court.				

Owner of Land	125(9)(a)(i)	In the specified circumstances, the power to give written consent to an application under section 125 of the <i>Mineral Resources Act 1989</i> being lodged.				Subject to consultation with the Divisional Councillor
Owner of Land	125(10)	In the specified circumstances, the power to agree with a mining claim holder on compensation payable in respect of the proposed use of the land as access in respect of the mining claim.	N/A			

CHAPTER 4 – EXPLORATION PERMITS

Part 1 – Preliminary

Entity power given to	Section of MIRA	Description	Delegation to the CEO / Date of Resolution	Sub-Delegation to Officers	Date of Sub-Delegation	Limitations and Conditions
Owner of Restricted Land	129(3)(a)	In the specified circumstances, the power to give written consent to a person entering the surface of the restricted land.				Subject to consultation with the Divisional Councillor
Owner of Reserve	129(6)	In the specified circumstances, the power to withdraw consent given under section 129(1)(a)(ii) of the <i>Mineral Resources Act 1989</i> by giving written notice to the chief executive.				

Part 4 – Other Provisions About Exploration Permit

Owner of Land or Agent	167(1)(b)	In the specified circumstances, the power to ask that a person purporting to enter or be on land under the authority of an exploration permit to produce the exploration permit or a copy of the exploration permit.				
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CHAPTER 5 – MINERAL DEVELOPMENT LICENCES

Part 1 – Mineral Development Licences Generally

Entity power given to	Section of MIRA	Description	Delegation to the CEO / Date of Resolution	Sub-Delegation to Officers	Date of Sub-Delegation	Limitations and Conditions
Owner of Land	190(7)	In the specified circumstances, the power to lodge a claim for rectification of actual damage to land caused under the authority, or purported authority, of a mineral development licence.				
Owner of Land	190(8)(a)	In the specified circumstances, the power to certify that there is no actual damage to land that should be rectified.				
Owner of Land or Agent	216(1)(b)	In the specified circumstances, the power to ask that a person purporting to enter or be on land under the authority of a mineral development licence to produce the mineral development licence or a copy of the mineral development licence.				

CHAPTER 6 – MINING LEASES

Part 1 – Mining Leases Generally

Entity power given to	Section of MIRA	Description	Delegation to the CEO / Date of Resolution	Sub-Delegation to Officers	Date of Sub-Delegation	Limitations and Conditions
Owner of Land	237(2)(d)(i)	In the specified circumstances, the power to consent to an application to conduct drilling and other activities on land not included in the surface area covered under a mining lease.	N/A			

Owner of Land	237(2)(d)(ii)	In the specified circumstances, the power to agree with the mining lease holder about the compensation payable for the activities.	N/A			
Owner of Restricted Land	238(1)(a)	Power to give written consent to a mining lease application.	N/A			
Affected Person	260(1)	Power to lodge an objection in writing in an approved form before the objection date for the application of a mining lease.				Subject to consultation with the Divisional Councillor
Objector	260(4)	Power to serve a copy of the objection lodged by the objector in respect of an application for a grant of a mining lease.				
Owner of Land	261(1)	In the specified circumstances, the power to withdraw an objection to an application for a grant of a mining lease.				Subject to consultation with the Divisional Councillor
Owner of Restricted Land	275A(2)(a)	In the specified circumstances, the power to consent in writing to an application to include the surface of restricted land for the mining lease in the mining lease.	N/A			
Owner of Land	279(1)(a)	In the specified circumstances, the power to agree with a mining lease holder on compensation.	N/A			
Owner of Land	280(1)	In the specified circumstances, the power to agree with the holder of a mining lease as to compensation for any damage caused to the surface of the land.	N/A			
Person who could be party to an agreement under section 279 or 280	281(1)	In the specified circumstances, the power to apply in writing to the Land Court to have the Land Court determine compensation.				

Owner of Land	283A(2)	In the specified circumstances, the power to agree to amend the original compensation (the <i>amended agreement</i>).	N/A			
Owner of Land	317(10)	In the specified circumstances, the power to agree with the holder of a mining lease on compensation payable in respect of the proposed use of the land as access in respect of a mining lease.	N/A			

CHAPTER 12A – PROVISIONS ABOUT WATER FOR MINERAL DEVELOPMENT LICENCES AND MINING LEASES

Part 4 – Water monitoring bores

Division 1 – Transfer of water monitoring bores

Entity power given to	Section of MIRA	Description	Delegation to the CEO / Date of Resolution	Sub-Delegation to Officers	Date of Sub-Delegation	Limitations and Conditions
Owner of a Water Monitoring Bore	334ZZO(1)	Power to transfer the bore to a landowner in the specified circumstances.	N/A			
Land Owner	334ZZO(2)(b)	Power to consent to the transfer.	N/A			
Owner of a Water Monitoring Bore	334ZZP(1)	In the specified circumstances, the power to transfer the bore to the State.	N/A			
Owner of a Water Monitoring Bore	334ZZQ(1)	In the specified circumstances, the power to transfer the bore to a holder of a mineral development licence, mining lease or water monitoring authority.	N/A			

CHAPTER 13 – ADMINISTRATION AND JUDICIAL FUNCTIONS

Part 4 – Remediation of abandoned mine sites and rehabilitation of final rehabilitation sites

Entity power given to	Section of MIRA	Description	Delegation to the CEO / Date of Resolution	Sub-Delegation to Officers	Date of Sub-Delegation	Limitations and Conditions
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Division 2 – Authorisation to carry out remediation activities or rehabilitation activities

Owner or Occupier	344G(4)	Power to give consent to the authorised person to enter the land and to sign an acknowledgement of consent				Subject to consultation with
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						Divisional Councillor
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Division 3 – Compensation

Owner of Land	345(1)(a)	In the specified circumstances, the power to enter into a compensation agreement with the holder of an environmental authority who is authorised under section 344A(3) to enter land.	N/A			
Owner of Land	345(3)	Power to apply in writing to the Chief Executive to have the Land Court decide the amount of compensation and the terms, conditions and times of its payment payable under section 345(1)(a)				

CHAPTER 14 – MISCELLANEOUS

Entity power given to	Section of MIRA	Description	Delegation to the CEO / Date of Resolution	Sub-Delegation to Officers	Date of Sub-Delegation	Limitations and Conditions
Owner of Land	403(1)(e)	In the specified circumstances, the power to authorise a person to enter, be upon, use, occupy, or erect any building or structure on or make any other improvement to land.	N/A			

SCHEDULE 1 – CONDITIONS OF CARRYING OUT ACTIVITY FOR BOUNDARY DEFINITION PURPOSES

Entity power given to	Section of MIRA	Description	Delegation to the CEO / Date of Resolution	Sub-Delegation to Officers	Date of Sub-Delegation	Limitations and Conditions
Owner of Occupier of Restricted Land	2(1)(a)	Power to give written consent to enter restricted land.				Subject to consultation with the Divisional Councillor

Owner of Land	3(1)(a)	Power to give written consent for a person to enter occupied land.				Subject to consultation with the Divisional Councillor
Occupier of Occupied Land	3(3)	In certain circumstances, power to give consent to a person to enter occupied land.				Subject to consultation with the Divisional Councillor
Owner of Reserve	4(1)(b)	Power to impose reasonable and relevant conditions on entry by a person under section 386V to the surface of a reserve.				Subject to consultation with the Divisional Councillor

[2020 07 01 - MIRA - Delegation Table]

INSTRUMENT OF SUB-DELEGATION

Torres Strait Island Regional Council
Mineral Resources Act 1989 ("MIRA")

Under section 259 of the *Local Government Act 2009*, I, **Bruce Ranga**, Chief Executive Officer of **Torres Strait Island Regional Council**, delegate to those positions which are specified in Schedule 1, the exercise of the powers contained in Schedule 2.

These powers must be exercised subject to the limitations contained in Schedule 3.

This Instrument of Sub-Delegation repeals all prior Instruments sub-delegating to the positions specified in Schedule 1 the exercise of the powers contained in Schedule 2.

My authority to make these sub-delegations is conferred by the *Local Government Act 2009* and the resolution of **Torres Strait Island Regional Council** made on **Insert date** to delegate those powers to the Chief Executive Officer.

DATED this _____ day of _____, 2020.

Bruce Ranga
Chief Executive Officer
Torres Strait Island Regional Council

Position: Insert Position
Position Code: Insert Position Code

POWERS SUB-DELEGATED

Mineral Resources Act 1989 ("MIRA")

CHAPTER 2 – PROSPECTING PERMITS

Part 1 – Prospecting Permit Categories and Entitlements

Entity power given to	Section of MIRA	Description
Owner of a Reserve	19(1)	In the specified circumstances, the power to give written consent to a parcel prospecting permit holder entering the surface of a reserve for prospecting purposes.
Owner of Occupied Land	19(2)	In the specified circumstances, the power to give written consent to a district prospecting permit holder entering the surface of occupied land.
Owner of Occupied Land	19(3)	In the specified circumstances, the power to give written consent to a prospecting permit holder entering occupied land for hand mining only.
Occupier of Land	20(3)	In the specified circumstances, the power to give a prospecting permit holder consent to enter land.
Owner or Occupier of Land	20(6)	In the specified circumstances, the power to, by written notice given to a prospecting permit holder and the mining registrar, amend or withdraw a consent given for land.

Part 2 – Other Provisions About Prospecting Permits

Entity power given to	Section of MIRA	Description
Owner of any Land	26(3)	Power to apply in writing to the mining registrar to rectify damage referred to in section 26(1) of the <i>Mineral Resources Act 1989</i> that has been caused by an activity allegedly authorised under a prospecting permit in respect of the land.
Owner of Occupied Land	26(9)(a)(i)	In the specified circumstances, the power to give the mining registrar written approval to refund the security.
Owner of Land	32(2)	Power to accept a shorter time period within which notice must be given by a parcel prospecting permit holder before entry to the land.
Owner of Land	34(1)	In the specified circumstances, the power to report to the chief executive.
Owner of Land or Agent	46(1)(b)	In the specified circumstances, the power to ask that a person purporting to enter or be upon land under the authority of a prospecting permit, produce the prospecting permit.
Owner of Occupied Land	47(1)	In the specified circumstances, the power to give written consent to a person, entitled to enter occupied land under a district prospecting permit, entering the land at night.
Owner of Occupied Land	47(2)	In the specified circumstances, the power to give written consent to a person, entitled to enter occupied land under a parcel prospecting permit, entering the land at night.
Occupier of Land	47(4)	In the specified circumstances, the power to give consent.

CHAPTER 3 – MINING CLAIMS

Entity power given to	Section of MIRA	Description
Owner of Restricted Land	51(2)(a)	In the specified circumstances, the power to give written consent to an application for a mining claim over the surface of restricted land being lodged.
Owner of Reserve	54(a)	In the specified circumstances, the power to give consent to the granting of a mining claim over a reserve.
Owner of Land	65(1)(a)	In the specified circumstances, the power to give the chief executive a written request for a conference.
Relevant Local Government	71(1)	Lodge a written objection in the approved form to an application for a mining claim.
Owner of Land	71(2)	In the specified circumstances and within the specified time periods, the power to lodge an objection to an application for a mining claim.
Objector	71A(1)	To withdraw an objection to an application for a mining claim by giving written notice of the withdrawal.
Owner of Land	85(1)(a)	In the specified circumstances, the power to agree with the applicant for a mining claim on an amount of compensation.
Interested Party	85(4)	In the specified circumstances, the power to apply in writing to the Land Court.
Owner of Land	125(9)(a)(i)	In the specified circumstances, the power to give written consent to an application under section 125 of the <i>Mineral Resources Act 1989</i> being lodged.
Owner of Land	125(10)	In the specified circumstances, the power to agree with a mining claim holder on compensation payable in respect of the proposed use of the land as access in respect of the mining claim.

CHAPTER 4 – EXPLORATION PERMITS

Part 1 – Preliminary

Entity power given to	Section of MIRA	Description
Owner of Restricted Land	129(3)(a)	In the specified circumstances, the power to give written consent to a person entering the surface of the restricted land.
Owner of Reserve	129(6)	In the specified circumstances, the power to withdraw consent given under section 129(1)(a)(ii) of the <i>Mineral Resources Act 1989</i> by giving written notice to the chief executive.

Part 4 – Other Provisions About Exploration Permit

Owner of Land or Agent	167(1)(b)	In the specified circumstances, the power to ask that a person purporting to enter or be on land under the authority of an exploration permit to produce the exploration permit or a copy of the exploration permit.
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CHAPTER 5 – MINERAL DEVELOPMENT LICENCES

Part 1 – Mineral Development Licences Generally

Entity power given to	Section of MIRA	Description
Owner of Land	190(7)	In the specified circumstances, the power to lodge a claim for rectification of actual damage to land caused under the authority, or purported authority, of a mineral development licence.
Owner of Land	190(8)(a)	In the specified circumstances, the power to certify that there is no actual damage to land that should be rectified.
Owner of Land or Agent	216(1)(b)	In the specified circumstances, the power to ask that a person purporting to enter or be on land under the authority of a mineral development licence to produce the mineral development licence or a copy of the mineral development licence.

CHAPTER 6 – MINING LEASES

Part 1 – Mining Leases Generally

Entity power given to	Section of MIRA	Description
Owner of Land	237(2)(d)(i)	In the specified circumstances, the power to consent to an application to conduct drilling and other activities on land not included in the surface area covered under a mining lease.
Owner of Land	237(2)(d)(ii)	In the specified circumstances, the power to agree with the mining lease holder about the compensation payable for the activities.
Owner of Restricted Land	238(1)(a)	Power to give written consent to a mining lease application.
Affected Person	260(1)	Power to lodge an objection in writing in an approved form before the objection date for the application of a mining lease.
Objector	260(4)	Power to serve a copy of the objection lodged by the objector in respect of an application for a grant of a mining lease.
Owner of Land	261(1)	In the specified circumstances, the power to withdraw an objection to an application for a grant of a mining lease.
Owner of Restricted Land	275A(2)(a)	In the specified circumstances, the power to consent in writing to an application to include the surface of restricted land for the mining lease in the mining lease.
Owner of Land	279(1)(a)	In the specified circumstances, the power to agree with a mining lease holder on compensation.
Owner of Land	280(1)	In the specified circumstances, the power to agree with the holder of a mining lease as to compensation for any damage caused to the surface of the land.
Person who could be party to an agreement under section 279 or 280	281(1)	In the specified circumstances, the power to apply in writing to the Land Court to have the Land Court determine compensation.
Owner of Land	283A(2)	In the specified circumstances, the power to agree to amend the original compensation (the amended agreement).

Owner of Land	317(10)	In the specified circumstances, the power to agree with the holder of a mining lease on compensation payable in respect of the proposed use of the land as access in respect of a mining lease.
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CHAPTER 12A – PROVISIONS ABOUT WATER FOR MINERAL DEVELOPMENT LICENCES AND MINING LEASES

Part 4 – Water monitoring bores

Division 1 – Transfer of water monitoring bores

Entity power given to	Section of MIRA	Description
Owner of a Water Monitoring Bore	334ZZO(1)	Power to transfer the bore to a landowner in the specified circumstances.
Land Owner	334ZZO(2)(b)	Power to consent to the transfer.
Owner of a Water Monitoring Bore	334ZZP(1)	In the specified circumstances, the power to transfer the bore to the State.
Owner of a Water Monitoring Bore	334ZZQ(1)	In the specified circumstances, the power to transfer the bore to a holder of a mineral development licence, mining lease or water monitoring authority.

CHAPTER 13 – ADMINISTRATION AND JUDICIAL FUNCTIONS

Part 4 – Remediation of abandoned mine sites and rehabilitation of final rehabilitation sites

Entity power given to	Section of MIRA	Description
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Division 2 – Authorisation to carry out remediation activities or rehabilitation activities

Owner or Occupier	344G(4)	Power to give consent to the authorised person to enter the land and to sign an acknowledgement of consent
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Division 3 – Compensation

Owner of Land	345(1)(a)	In the specified circumstances, the power to enter into a compensation agreement with the holder of an environmental authority who is authorised under section 344A(3) to enter land.
Owner of Land	345(3)	Power to apply in writing to the Chief Executive to have the Land Court decide the amount of compensation and the terms, conditions and times of its payment payable under section 345(1)(a)

CHAPTER 14 – MISCELLANEOUS

Entity power given to	Section of MIRA	Description
Owner of Land	403(1)(e)	In the specified circumstances, the power to authorise a person to enter, be upon, use, occupy, or erect any building or structure on or make any other improvement to land.

SCHEDULE 1 – CONDITIONS OF CARRYING OUT ACTIVITY FOR BOUNDARY DEFINITION PURPOSES

Entity power given to	Section of MIRA	Description
Owner of Occupier of Restricted Land	2(1)(a)	Power to give written consent to enter restricted land.
Owner of Land	3(1)(a)	Power to give written consent for a person to enter occupied land.
Occupier of Occupied Land	3(3)	In certain circumstances, power to give consent to a person to enter occupied land.
Owner of Reserve	4(1)(b)	Power to impose reasonable and relevant conditions on entry by a person under section 386V to the surface of a reserve.

LIMITATIONS TO THE EXERCISE OF POWER

1. Where Council in its budget or by resolution allocates an amount for the expenditure of Council funds in relation to a particular matter, in exercising delegated power in relation to that matter, the delegate will only commit Council to reasonably foreseeable expenditure up to the amount allocated.
2. The delegate will not exercise any delegated power in relation to a matter which, to the delegate's knowledge, adversely affects, or is likely to adversely affect, Council's relations with the public at large.
3. The delegate will not exercise any delegated power contrary to a resolution or other decision of Council (including a policy decision relating to the matter).
4. The delegate will not exercise any delegated power in a manner, or which has the foreseeable effect, of being contrary to an adopted Council policy or procedure.
5. The delegate will only exercise a delegated power under this resolution in a manner which complies with the requirements of Council's Planning Scheme, and any exercise of power which involves a departure from or variation of those requirements will only be undertaken by Council.
6. The delegate will not exercise any delegated power which cannot lawfully be the subject of delegation by Council.

[2020 07 01 - MIRA - Sub-Delegation Instrument]

Conditions imposed on all Delegations

1. Delegated powers must be read in the context of other powers and subject to conditions stipulated therein;
2. Delegated powers must be exercised consistently with the provisions of Local Government Acts or Regulations, Council Policies and Procedure, Local Laws and Subordinate Local Laws;
3. Any decisions must be made within the financial delegation of the delegate;
4. The delegate shall not give Council opinions and if opinions are to be provided, may only provide personal opinions of the delegate, not in an official capacity as an employee of the Council;
5. Delegated powers only apply to the delegate to the extent that they relate to a delegate's scope of duties as particularised in the Position Description pertaining to that delegate, or as otherwise approved in writing by the CEO or by Council Policy;
6. A delegate may not sub-delegate a power provided for in this Register to a subordinate staff member without the express written consent of the Chief Executive Officer or under a Policy or Procedure adopted by Council;
7. Any power that is not delegable under a Local Government Act or Regulation, shall not be delegable under this instrument;
8. All delegations are subject to conditions imposed in the original delegation to CEO contained in the Instrument of Delegations of Local Government;

9. Whilst exercising a power, the delegate must take into account Ailan Kastom as defined in section 6 of the *Torres Strait Islander Land Act 1991* (Qld); and
10. All Powers delegated to the Chief Executive Officer in this Instrument shall be subject to prior Council consultation where exercise of such Power in all reasonable likelihood shall:
 -
 - a. impact on land and/or sea; and/or
 - b. involve payment of compensation regarding land; and/or
 - c. require a budget amendment.

INSTRUMENT OF DELEGATION

Torres Strait Island Regional Council ***Planning Act 2016 ("PLAA")*** ***Development Assessment Rules***

Under section 257 of the Local Government Act 2009, **Torres Strait Island Regional Council** resolves to delegate the exercise of the powers contained in Schedule 1 to the Chief Executive Officer.

These powers must be exercised subject to the limitations contained in Schedule 2.

All prior resolutions delegating the same powers to the Chief Executive Officer are repealed.

Development Assessment Rules under the Planning Act 2016 ("PLAA")

Part 1 – Application

Entity power given to	Rule	Description
Assessment Manager	1.2	Power to decide a properly made application.
Assessment Manager	2.2	Power to give a confirmation notice.
Assessment Manager	3.1	Power to give an action notice.

Part 2 – Referral

Entity power given to	Rule	Description
Referral Agency	6.2	Power to decide a properly made application.
Referral Agency	7.1	Power to give a confirmation notice.
Referral Agency	8.1	Power to give an action notice.
Referral Agency	9.2	Power to give a referral agency response.

Part 3 – Information request

Entity power given to	Rule	Description
Assessment Authority	12.1	Power to make an information request.
Assessment Authority	12.5	Power to give advice about an information request.

Part 4 – Public Notification

Entity power given to	Rule	Description
Assessment Manager	17.1	Power to publish, place or give a public notice pursuant to section 53(10) of the PA.
Assessment Manager	19.1	Power to accept a property made submission.

Part 5 – Decision

Entity power given to	Rule	Description
Assessment Manager	22.2	Power to give a copy of a decision notice to each principal submitter.

Assessment Manager	23.1	Power to receive a notice from a concurrence agency.
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Part 6 – Changes to the application and referral agency responses

Entity power given to	Section of DEAR	Description
Assessment Manager	25.1	Power to give a notice of a changed application to a referral agency.
Assessment Manager	26.2(a)	Power to give a confirmation notice of receipt of a changed application.
Assessment Manager	26.2(c)	Power to give a notice that public notification is required with respect to the changed application.
Assessment Manager	26.3	Power to refer a changed application to a referral agency.
Concurrence Agency	28.1	Power to change a referral agency response to any changed application.
Concurrence Agency	28.3	Power to give a late referral agency response before a changed application is decided with the agreement of the applicant.
Concurrence Agency	28.4	Power to give an amended referral agency response to an assessment manager.

Part 7 – Miscellaneous

Entity power given to	Section of DEAR	Description
Referral Agency	29.6	Power to make an information request with respect to a missed referral agency application.
Assessment Manager	34.1	Power to request third party advice from a third party about an application.
Assessment Manager	35.1	Power to give a further advice to an applicant.

SCHEDULE 1 – SUBSTANTIALLY DIFFERENT DEVELOPMENT

Entity power given to	Section of DEAR	Description
Assessment Manager	1	Power to determine if a change to an application is a minor change.
Assessment Manager	2	Power to determine if a change would result in a substantially different development

Limitations to the Exercise of Power

1. Where Council in its budget or by resolution allocates an amount for the expenditure of Council funds in relation to a particular matter, in exercising delegated power in relation to that matter, the delegate will only commit Council to reasonably foreseeable expenditure up to the amount allocated.
2. The delegate will not exercise any delegated power in relation to a matter which, to the delegate's knowledge, adversely affects, or is likely to adversely affect, Council's relations with the public at large.
3. The delegate will not exercise any delegated power contrary to a resolution or other decision of Council (including a policy decision relating to the matter).
4. The delegate will not exercise any delegated power in a manner, or which has the foreseeable effect, of being contrary to an adopted Council policy or procedure.
5. The delegate will only exercise a delegated power under this resolution in a manner which complies with the requirements of Council's Planning Scheme, and any exercise of power which involves a departure from or variation of those requirements will only be undertaken by Council.
6. The delegate will not exercise any delegated power which cannot lawfully be the subject of delegation by Council.

[2019 04 11 - PLAA - Delegation Instrument – Development Assessment Rules -Torres Strait Island Regional Council]

Conditions imposed on all Delegations

1. Delegated powers must be read in the context of other powers and subject to conditions stipulated therein;
2. Delegated powers must be exercised consistently with the provisions of Local Government Acts or Regulations, Council Policies and Procedure, Local Laws and Subordinate Local Laws;
3. Any decisions must be made within the financial delegation of the delegate;
4. The delegate shall not give Council opinions and if opinions are to be provided, may only provide personal opinions of the delegate, not in an official capacity as an employee of the Council;
5. Delegated powers only apply to the delegate to the extent that they relate to a delegate's scope of duties as particularised in the Position Description pertaining to that delegate, or as otherwise approved in writing by the CEO or by Council Policy;
6. A delegate may not sub-delegate a power provided for in this Register to a subordinate staff member without the express written consent of the Chief Executive Officer or under a Policy or Procedure adopted by Council;
7. Any power that is not delegable under a Local Government Act or Regulation, shall not be delegable under this instrument;
8. All delegations are subject to conditions imposed in the original delegation to CEO contained in the Instrument of Delegations of Local Government;

9. Whilst exercising a power, the delegate must take into account Ailan Kastom as defined in section 6 of the *Torres Strait Islander Land Act 1991* (Qld); and
10. All Powers delegated to the Chief Executive Officer in this Instrument shall be subject to prior Council consultation where exercise of such Power in all reasonable likelihood shall: -
 - a. impact on land and/or sea; and/or
 - b. involve payment of compensation regarding land; and/or
 - c. require a budget amendment.

Delegable Powers under the Planning Act 2016 ("PLAA")

CHAPTER 2 – PLANNING

Part 3 – Local planning instruments

Division 2 – Making or amending planning schemes

Entity power given to	Section of PA	Description	Delegation to the CEO / Date of Resolution	Sub-Delegation to Officers	Date of Sub-Delegation	Limitations and Conditions
Local Government	18(1)	Power to propose to make or amend a planning scheme.				This delegation does not include any powers that are required to be exercised by Council pursuant to a resolution of Council.
Local Government	18(2)	Power to give notice of the proposed planning scheme or proposed amendment to the Chief Executive.				This delegation does not include any powers that are required to be exercised by Council pursuant to a resolution of Council.
Local Government	18(3)	Power to consult with the Chief Executive about the process for making or amending the planning scheme.				This delegation does not include any powers that are required to be exercised by Council pursuant to a resolution of Council.

Local Government	18(6)	Power to make or amend the planning scheme by following the process in the notice or amended notice.				This delegation does not include any powers that are required to be exercised by Council pursuant to a resolution of Council.
Local Government	19(1)	In certain circumstances, power to apply a planning scheme as a categorising instrument in relation to prescribed tidal works.				
Local Government	20(2)	Power to amend a planning scheme by following the process in the Minister's rules, instead of complying with section 18.				This delegation does not include any powers that are required to be exercised by Council pursuant to a resolution of Council.
Local Government	21	In certain circumstances, power to follow the process in the Minister's rules for making or amending an LGIP.				This delegation does not include any powers that are required to be exercised by Council pursuant to a resolution of Council.
Local Government	22(1)	Power to amend a planning scheme policy by following the process in the Minister's rules.				This delegation does not include any powers that are required to be exercised by Council pursuant to a resolution of Council.

Local Government	23(1)	Power to make a TLPI if the local government and Minister decide – (a) there is significant risk of serious adverse cultural, economic, environmental or social conditions happening in the local government area; (b) the delay involved in using the process in sections 18 to 22 to make or amend another local planning instrument would increase the risk; and (c) the making of the TLPI would not adversely affect State interests.				This delegation does not include any powers that are required to be exercised by Council pursuant to a resolution of Council.
Local Government	23(2)	Power to amend a TLPI if the Minister decides the amendment of the TLPI would not adversely affect State interests.				This delegation does not include any powers that are required to be exercised by Council pursuant to a resolution of Council.
Local Government	24(5)	Power to repeal a TLPI by making, or amending, a planning scheme to specifically repeal the TLPI.				This delegation does not include any powers that are required to be exercised by Council pursuant to a resolution of Council.
Local Government	25(1)(a)	Power to review planning scheme.				This delegation does not include any powers that are required to be exercised by Council pursuant to a resolution of Council.

Local Government	25(1)(b)	Power to decide, based on that review, whether to amend or replace the planning scheme.				This delegation does not include any powers that are required to be exercised by Council pursuant to a resolution of Council.
Local Government	25(2)	Power to: (a) give written reasons for the decision to the Chief Executive; (b) publish a public notice in the approved form about the decision; and (c) keep a copy of the public notice in a conspicuous place in the local government's public office for a period of at least 40 business days after the notice is published.				This delegation does not include any powers that are required to be exercised by Council pursuant to a resolution of Council.
Local Government	25(3)	Power to undertake an LGIP review.				This delegation does not include any powers that are required to be exercised by Council pursuant to a resolution of Council.

Division 3 – State powers for local planning instruments

Entity power given to	Section of PA	Description	Delegation to the CEO / Date of Resolution	Sub-Delegation to Officers	Date of Sub-Delegation	Limitations and Conditions
Local Government	26(3)(c)	Power to make a submission to the Minister about taking the action.				This delegation does not include any powers that are required to be

						exercised by Council pursuant to a resolution of Council.
Local Government	26(4)(a)	Power to take action in accordance with Minister's direction under a Notice.				This delegation does not include any powers that are required to be exercised by Council pursuant to a resolution of Council.
Local Government	26(4)(b)	Power to take other action in accordance with Minister's direction.				This delegation does not include any powers that are required to be exercised by Council pursuant to a resolution of Council.

Part 4 – Superseded planning schemes

Division 1 – Applying superseded planning schemes

Entity power given to	Section of PA	Description	Delegation to the CEO / Date of Resolution	Sub-Delegation to Officers	Date of Sub-Delegation	Limitations and Conditions
Local Government	29(4)(a)	Power to accept, assess and decide a development application (a superseded planning scheme application) under a superseded planning scheme.				
Local Government	29(4)(b)	Power to apply a superseded planning scheme to the carrying out of development that was accepted development under the superseded planning scheme.				

Local Government	29(6)	Power to decide whether or not to agree to a superseded planning scheme request within the period prescribed by, or extended as required under, the regulation.				
Local Government	29(7)	Power to give a decision notice to the person who made the superseded planning scheme request.				

Division 2 – Compensation

Entity power given to	Section of PA	Description	Delegation to the CEO / Date of Resolution	Sub-Delegation to Officers	Date of Sub-Delegation	Limitations and Conditions
Local Government	30(5)	Power to prepare a report assessing feasible alternatives for reducing the risk stated in subsection (4)(e), including imposing development conditions on development approvals.				
Local Government	32(1)(a)	Power to approve all or part of a compensation claim.	Delegation of this power to be made on a case-by-case basis only.			
Local Government	32(1)(b)	Power to refuse a compensation claim.				
Local Government	32(1)(c)	Power to give a notice of intention to resume the affected owner's interest in premises under the Acquisition Act, section 7.				
Local Government	32(2)	Power to decide to amend the planning scheme to allow premises to be used for the purposes that the premises could be used for under the superseded planning scheme.				

Chief Executive Officer	32(3)	Power to give the affected owner: (a) notice of intention to resume; (b) a notice that states the local government's decision, any amount of compensation to be paid and the affected owner's appeal rights.	This power has been given directly to the Chief Executive Officer and so a delegation to the CEO is not required.			
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Part 5 – Designation of premises for development of infrastructure

Entity power given to	Section of PA	Description	Delegation to the CEO / Date of Resolution	Sub-Delegation to Officers	Date of Sub-Delegation	Limitations and Conditions
Designator	35(1)	Power to identify premises for the development of 1 or more types of infrastructure that are prescribed by regulation.				This delegation does not include any powers that are required to be exercised by Council pursuant to a resolution of Council.
Designator	35(2)	Power to include designation requirements about any of the matter contained in 35(2)(a)-(c).				This delegation does not include any powers that are required to be exercised by Council pursuant to a resolution of Council.
Designator	36(1)(a)	Power to be satisfied that the infrastructure will satisfy statutory requirements, or budgetary commitments, for the supply of the infrastructure.				This delegation does not include any powers that are required to be exercised by Council pursuant to

						a resolution of Council.
Designator	36(1)(b)	Power to be satisfied that there is or will be a need for the efficient and timely supply of the infrastructure.				This delegation does not include any powers that are required to be exercised by Council pursuant to a resolution of Council.
Local Government	36(7)(e)	Power to make submission to a Designator in relation to making or amending a designation.				This delegation does not include any powers that are required to be exercised by Council pursuant to a resolution of Council.
Affected Party	37(4)	Power to make a submission to the Minister about the designation.				This delegation does not include any powers that are required to be exercised by Council pursuant to a resolution of Council.
Designator	38(1)	Power to: (a) consider properly made submissions; (b) decide to make or amend a designation; and (c) publish a gazette notice.				This delegation does not include any powers that are required to be exercised by Council pursuant to a resolution of Council.
Designator	39(2)	Power to extend the duration of a designation, for up to 6 years, by publishing a gazette notice about the				

		extension before the designation stops having effect.				
Public Sector Entity	39(4)	Power to discontinue proceedings to resume designated premises.				
Designator	40(1)	Power to repeal a designation by publishing a gazette notice that states: (a) that the designation is repealed; and (b) a description of the designated premises; and (c) the type of infrastructure for which the premises were designated; and (d) the reasons for the repeal.				
Designator	41(4)	Power to: (a) repeal the designation; (b) decide to refuse the request; and (c) decide to take other action that designator considers appropriate in the circumstances.				
Designator	41(5)	Power to give a decision notice.				
Local Government	42(2)	Power to include a note about the making, amendment, extension or appeal of a designation in the planning scheme.				
Local Government	42(4)	Power to include a note in the planning scheme in a way that ensures the other provisions of the scheme that apply to the designated premises remain effective.				

CHAPTER 3 – DEVELOPMENT ASSESSMENT

Part 1 – Types of development and assessment

Entity power given to	Section of PA	Description	Delegation to the CEO / Date of Resolution	Sub-Delegation to Officers	Date of Sub-Delegation	Limitations and Conditions
Local Government	45(5)(b)	Power to consider and assess against assessment benchmarks and prescribed matters under a regulation and other relevant matters.				
Assessment Manager	45(7)	Power to assess a development application against or have regard to the statutory instrument, or other document, as in effect when the development application was properly made.				
Assessment Manager	45(8)(a)	Power to give weight the Assessment Manager considers is appropriate, in the circumstances, to a statutory instrument or other document that has been amended or replaced after the development application was properly made but before it was decided by the Assessment Manager.				
Assessment Manager	45(8)(b)	Power to give weight the Assessment Manager considers is appropriate in the circumstances to another statutory instrument that came into effect after the development application was properly made but before it was decided by the Assessment Manager.				
Local Government	46(2)(a)	Power to give an exemption certificate for a development.				
Local Government	46(3)(a)	Power to seek agreement in writing from referral agencies about the giving of an exemption certificate.				

Part 2 – Development applications

Division 2 – Making or changing applications

Entity power given to	Section of PA	Description	Delegation to the CEO / Date of Resolution	Sub-Delegation to Officers	Date of Sub-Delegation	Limitations and Conditions
Owner	51(2)	Power to give owner's consent.	N/A			
Assessment Manager	51(4)(a)	Power to be satisfied an application complies with subsections (1) to (3).				
Assessment Manager	51(4)(b)	Power to be satisfied an application complies with subsection (2) and (3).				
Assessment Manager	51(4)(c)	Power to accept an application that does not comply with subsection (1)(a) or (b)(i).				
Assessment Manager	51(4)(d)	Power to accept an application that does not comply with subsection (1)(b)(ii) to the extent the required fee has been waived under section 109(b).				
Assessment Manager	51(5)	Power to accept a properly made application.				
Assessment Manager	52(3)	Power to assess and decide if a change is a minor change.				
Assessment Manager	53(3)	Power to assess and decide a development application even if some of the requirements of the development assessment rules about the notice have not been complied with, if the assessment manager considers any noncompliance has not: (a) adversely affected the public's awareness of the existence and nature of the application; or (b) restricted the public's opportunity to make properly made submissions about the application.				

Assessment Manager	53(4)(a)	Power to consider submissions about a development application.				
Assessment Manager	53(10)	Power to give notice on behalf of an applicant to a referral agency for a fee.				

Part 3 –

Assessing and deciding development applications

Division 1 – Referral agency's assessment

Entity power given to	Section of PA	Description	Delegation to the CEO / Date of Resolution	Sub-Delegation to Officers	Date of Sub-Delegation	Limitations and Conditions
Assessment Manager	54(5)	Power to give a copy of a development application on behalf of an applicant to a referral agency for a fee.				
Assessment Manager/ Referral Agency	55(1)	Power to assess the application as required under section 45, as if the agency were the assessment manager.				
Referral Agency	55(2)(a)	Power to assess a development application against matters prescribed by the regulation.				
Referral Agency	55(2)(b)	Power to have regard to matters prescribed by the regulation for the assessment.				
Referral Agency	55(4)	Power to assess the development application against or having regard to the statutory instrument, or other document, as in effect when the application was properly made.				
Referral Agency	55(5)(a)	Power to give weight the Referral Agency considers is appropriate, in the circumstances, to a statutory instrument or other document that has been amended or				

		replaced after the development application was properly made.				
Referral Agency	55(5)(b)	Power to give the weight the Referral Agency considers is appropriate, in the circumstances, to another statutory instrument that came into effect after the development application was properly made.				
Referral Agency	56(1)(a)	Power to decide to tell the assessment manager that the agency has no requirements for the application.				
Referral Agency	56(1)(b)	Power to decide to direct the assessment manager to do any or all of the following: (i) to give any development approval subject to stated development conditions; (ii) to give any development approval for only a stated part of the application; (iii) to give any development approval only as a preliminary approval; (iv) to improve a stated currency period for a development approval given.				
Referral Agency	56(1)(c)	Power to decide to direct the assessment manager to refuse the application for stated reasons.				
Referral Agency	56(2)(a)	Power to decide to tell the assessment manager that the agency has no requirements for the variation request.				
Referral Agency	56(2)(b)	Power to decide to direct the assessment manager to do any or all of the following: (i) to approve only some of the variations sought; (ii) subject to section 61(3) to approve different variations from those sought.				

Referral Agency	56(2)(c)	Power to decide to direct the assessment manager to refuse the variation request.				
Referral Agency	56(3)	Power to give advice about the application to the assessment manager.				

Division 2 – Assessment manager's decision

Entity power given to	Section of PA	Description	Delegation to the CEO / Date of Resolution	Sub-Delegation to Officers	Date of Sub-Delegation	Limitations and Conditions
Assessment Manager	60(2)(a)	Power to assess and decide the extent to which the application complies with all of the assessment benchmarks for the development.				
Assessment Manager	60(2)(b)	Power to decide to approve the application even if the development does not comply with some of the assessment benchmarks.				
Assessment Manager	60(2)(c)	Power to impose development conditions on an approval.				
Assessment Manager	60(2)(d)	To the extent the development does not comply with some or all the assessment benchmarks, power to decide to refuse the application where compliance cannot be achieved by imposing development conditions.				
Assessment Manager	60(3)(a)	Power to decide to approve all or part of the application.	N/A			
Assessment Manager	60(3)(b)	Power to decide to approve all or part of the application, but impose development conditions on the approval.	N/A			
Assessment Manager	60(3)(c)	Power to decide to refuse the application.	N/A			

Assessment Manager	60(5)	Power to give a preliminary approval for all or part of the development application, even though the development application sought a development permit.				
Assessment Manager	61(3)(a)(i)	Power to decide to approve all or some of the variations sought.	N/A			
Assessment Manager	61(3)(a)(ii)	Power to decide to approve different variations from those sought.	N/A			
Assessment Manager	61(3)(b)	Power to decide to refuse the variations sought.	N/A			
Assessment Manager	63(1)	Power to give a decision notice.				
Assessment Manager	63(4)	Power to publish a notice about the decision on the assessment managers website.				
Assessment Manager	64(6)(a)	Power to give an applicant a decision notice which approves the application.				
Assessment Manager	64(6)(b)	Power to give an applicant a decision notice which approves the application subject to development conditions.				

Division 3 – Development conditions

Entity power given to	Section of PA	Description	Delegation to the CEO / Date of Resolution	Sub-Delegation to Officers	Date of Sub-Delegation	Limitations and Conditions
Owner of a Premises	66(2)(c)	Power to agree in writing to a later condition applying.	N/A			
Assessment Manager/ Referral Agency	67	Power to make an agreement with an applicant to establish the responsibilities, or secure the performance, of a party to the agreement about a development condition.				

Part 5 –

Development approvals

Division 2 – Changing development approvals

Subdivision 1 – Changes during appeal period

Entity power given to	Section of PA	Description	Delegation to the CEO / Date of Resolution	Sub-Delegation to Officers	Date of Sub-Delegation	Limitations and Conditions
Assessment Manager	75(4)(b)(ii)	Power to provide an applicant with a notice that they do not agree with the change representations.				
Assessment Manager	75(4)(b)(iii)	Power to agree with an applicant to a longer period to make change representations.				
Assessment Manager	76(1)	Power to assess change representations against and having regard to the matters that must be considered when assessing a development application to the extent those matters are relevant.				
Assessment Manager	76(2)	Power to give a negotiated decision notice.				
Local Government	76(6)	Power to give a replacement infrastructure charges notice to an applicant.				

Subdivision 2 – Changes after appeal period

Entity power given to	Section of PA	Description	Delegation to the CEO / Date of Resolution	Sub-Delegation to Officers	Date of Sub-Delegation	Limitations and Conditions
Referral Agency	78A(1)(a)	Power to consider a change application.				
Assessment Manager	78A(1)(b)	Power to consider a change application.				
Assessment Manager	78A(5)	Power to consider a change application if referred by the Minister.				

Responsible Entity	79(2)(a)	Power to be satisfied that an application complies with subsections (1) and (1A).				
Responsible Entity	79(2)(b)	Power to be satisfied the application complies with subsection (1A).				
Responsible Entity	79(2)(c)	Power to accept an application that does not comply with subsection (1)(a) or (b)(ii).				
Responsible Entity	79(2)(d)	Power to accept an application that does not comply with subsection (1)(b)(i) to the extent the required fee has been waived under section 109(b).				
Affected Entity	80(2)	Power to give the person who proposes to make the change application a notice (a pre-request response notice) that states— (a) whether the affected entity objects to the change; and (b) the reasons for any objection.				
Affected Entity	80(4)(a)	Power to give a responsible entity and the applicant a response notice that states that the affected entity has no objection to the change.				
Affected Entity	80(4)(b)	Power to give a responsible entity and the applicant a response notice that states that the affected entity objects to the change and the reasons for objection.				
Responsible Entity	81(4)	Power to consider, for a change application, a statutory instrument, or other document, as in effect when the development application for the development approval was properly made.				
Responsible Entity	81(5)(a)	Power to give weight the Responsible Entity considers appropriate in the circumstances to the statutory instrument or other document as in effect when the change application was made.				

Responsible Entity	81(5)(b)	Power to give the weight the Responsible Entity considers is appropriate, in the circumstances, to a statutory instrument or other document that has amended or replaced after the change application was made but before it was decided.				
Responsible Entity	81(5)(c)	Power to give the weight the Responsible Entity considers is appropriate, in the circumstances, to another statutory instrument that came into effect after the change application was made but before it was decided.				
Responsible Entity	81A(2)(a)	Power to decide to approve the change application with or without development conditions.	N/A			
Responsible Entity	81A(2)(b)	Power to decide to refuse the change application.	N/A			
Responsible Entity / Applicant	81A(5)	Power to agree to extend the period for deciding the change application.				
Applicant	81B(2)	Power to give notice of withdrawal of a change application before it is decided.				

Subdivision 3 – Notice of decision

Entity power given to	Section of PA	Description	Delegation to the CEO / Date of Resolution	Sub-Delegation to Officers	Date of Sub-Delegation	Limitations and Conditions
Responsible Entity	83(1)	Power to give a decision notice.				
Responsible Entity	83(2)	Power to give a decision notice if a negotiated decision notice is not given in relation to the decision.				

Division 3 – Cancelling development approvals

Entity power given to	Section of PA	Description	Delegation to the CEO / Date of Resolution	Sub-Delegation to Officers	Date of Sub-Delegation	Limitations and Conditions
Assessment Manager	84(4)	Power to cancel the development approval and give notice of the cancellation.				

Division 4 – Lapsing of and extending development approvals

Entity power given to	Section of PA	Description	Delegation to the CEO / Date of Resolution	Sub-Delegation to Officers	Date of Sub-Delegation	Limitations and Conditions
Assessment Manager	86(3)(a)	Power to be satisfied that an application complies with subsections (2) and (2A).				
Assessment Manager	86(3)(b)	Power to be satisfied that an application complies with subsection (2A) before an application can be accepted.				
Assessment Manager	86(3)(c)	Power to accept an application that does not comply with subsection (2)(a).				
Assessment Manager	86(3)(d)	Power to accept an application that does not comply with subsection (2)(b) to the extent the required fee has been waived under section 109(b).				
Assessment Manager	87(1)	Power to consider any matter that the assessment manager considers relevant, even if the matter was not relevant to assessing the development application.				
Assessment Manager	87(2)(a)	Power to decide whether to give or refuse the extension sought.	N/A			
Assessment Manager	87(2)(b)	Power to extend the currency period for a period that is different from the extension sought.	Delegation of this power to be made on a case-by-case basis only.			

Assessment Manager	87(3)	Power to agree to extend the 20 business day period.				
Assessment Manager	88(3)	Power to use any security paid under a condition stated in section 65(2)(e) for the purpose stated in the approval or agreement under section 67.				

Division 5 – Noting development approvals on planning schemes

Entity power given to	Section of PA	Description	Delegation to the CEO / Date of Resolution	Sub-Delegation to Officers	Date of Sub-Delegation	Limitations and Conditions
Local Government	89(1)(a)	Power to consider whether a development approval is substantially inconsistent with its planning scheme.				

Part 6 – Minister's powers

Division 3 – Minister's call in

Entity power given to	Section of PA	Description	Delegation to the CEO / Date of Resolution	Sub-Delegation to Officers	Date of Sub-Delegation	Limitations and Conditions
Person	102(2)	Power to make representations about the proposed call in notice.				
Decision-maker	105(3)	Power to provide Minister with reasonable help.				

Part 7 – Miscellaneous

Entity power given to	Section of PA	Description	Delegation to the CEO / Date of Resolution	Sub-Delegation to Officers	Date of Sub-Delegation	Limitations and Conditions
Assessment Manager or Referral	109(a)	Power to refund all or part of a required fee.	N/A			

Agency or Responsible Entity						
Assessment Manager or Referral Agency or Responsible Entity	109(b)	Power to waive all or part of a required fee, in the circumstances prescribed by regulation.	N/A			

CHAPTER 4 – INFRASTRUCTURE

Part 2 – Provisions for Local Governments

Division 2 – Changes for trunk infrastructure

Subdivision 2 – Charges resolutions

Entity power given to	Section of PA	Description	Delegation to the CEO / Date of Resolution	Sub-Delegation to Officers	Date of Sub-Delegation	Limitations and Conditions
Participating Local Government for a distribution-retailer	115(2)	Power to enter into an agreement (a <i>breakup agreement</i>) about the charges breakup.				

Subdivision 3 – Levying charges

Entity power given to	Section of PA	Description	Delegation to the CEO / Date of Resolution	Sub-Delegation to Officers	Date of Sub-Delegation	Limitations and Conditions
Local Government	119(2)	Power to give an infrastructure charges notices.				
Local Government	119(6)	Power to give an applicant an amended infrastructure charges notice.				

Subdivision 4 – Payment

Entity power given to	Section of PA	Description	Delegation to the CEO / Date of Resolution	Sub-Delegation to Officers	Date of Sub-Delegation	Limitations and Conditions
Local Government	123(1)(a)	Power to make an agreement with recipient of an infrastructure charges notice about whether the levied charge under the notice may be paid other than as required under section 122 including whether the charge may be paid by instalments.				
Local Government	123(1)(b)	Power to make an agreement with recipient of an infrastructure charges notice about whether infrastructure may be provided instead of paying all or part of the levied charge.				

Subdivision 5 – Changing charges during relevant appeal period

Entity power given to	Section of PA	Description	Delegation to the CEO / Date of Resolution	Sub-Delegation to Officers	Date of Sub-Delegation	Limitations and Conditions
Local Government	125(2)	Power to consider representations.				
Local Government	125(3)	Power to give a negotiated notice to the recipient.				

Division 3 – Development approval conditions about truck infrastructure

Subdivision 2 – Conditions for extra trunk infrastructure costs

Entity power given to	Section of PA	Description	Delegation to the CEO / Date of Resolution	Sub-Delegation to Officers	Date of Sub-Delegation	Limitations and Conditions
Local Government	130(1)	In certain circumstances, the power to require the payment of extra trunk infrastructure costs.				
Local Government	130(1)(a)	Power to decide if the development: (i) will generate infrastructure demand of more than that required to service the type or scale of future development that the LGIP assumes; or (ii) will require new trunk infrastructure earlier than when identified in the LGIP; or (iii) is for premises completely or partly outside of the PIA.				
Local Government	130(1)(b)	Power to decide whether the development would impose extra trunk infrastructure costs on the local government and to take into account either or both of the following to decide: (i) levied charges for the development; (ii) trunk infrastructure provided, or to be provided, by the applicant under this part.				
Local Government	131(2)	Power to agree to an alternative payment time.				
Local Government	135(3)	Power to make an agreement with a payer in relation to a refund.				

Division 4 – Miscellaneous provisions about trunk infrastructure

Subdivision 1 – Conversion of particular non-trunk infrastructure before construction starts

Entity power given to	Section of PA	Description	Delegation to the CEO / Date of Resolution	Sub-Delegation to Officers	Date of Sub-Delegation	Limitations and Conditions
Local Government	140(1)	Power to consider and decide the conversion application.				
Local Government	140(3)	Power to give the applicant a notice requiring the applicant to give information that the local government reasonably needs to make the decision.				
Local Government	140(5)(b)	Power to agree to a later period for giving the information in respect of a conversion application.				
Local Government	142(3)	Power to amend the development approval by imposing a necessary infrastructure condition for the trunk infrastructure.				

Subdivision 2 – Other provisions

Entity power given to	Section of PA	Description	Delegation to the CEO / Date of Resolution	Sub-Delegation to Officers	Date of Sub-Delegation	Limitations and Conditions
Local Government	144(2)	Power to make an agreement with an applicant in relation to a levied charge.				

Part 3 - Provisions for State infrastructure providers

Entity power given to	Section of PA	Description	Delegation to the CEO / Date of Resolution	Sub-Delegation to Officers	Date of Sub-Delegation	Limitations and Conditions
Local Government	149(2)(b)	Power to agree with the state infrastructure provider and the person who provided the replacement infrastructure about when the amount of the levy charge will be paid.				

Part 4 – Infrastructure agreements

Entity power given to	Section of PA	Description	Delegation to the CEO / Date of Resolution	Sub-Delegation to Officers	Date of Sub-Delegation	Limitations and Conditions
Public Sector Entity	151(2)	Power to tell the entity making the proposal if the recipient agrees to enter into negotiations for an infrastructure agreement.				
Public Sector Entity	158(1)(a)	Power to enter into an agreement with a person about providing or funding infrastructure.				
Public Sector Entity	158(1)(b)	Power to enter into an agreement with a person about refunding payments made towards the cost of providing or funding infrastructure.				

CHAPTER 5 – OFFENCES AND ENFORCEMENT

Part 3 – Enforcement notices

Entity power given to	Section of PA	Description	Delegation to the CEO / Date of Resolution	Sub-Delegation to Officers	Date of Sub-Delegation	Limitations and Conditions
Enforcement Authority	167(1)(a)	Power to form reasonable belief that a person has committed, or is committing, a development offence.				
Enforcement Authority	167(1)(b)	Power to consider giving an enforcement notice for an offence to a person.				
Enforcement Authority	167(2)	Power to give a show cause notice.				
Enforcement Authority	167(4)	Power to give an enforcement notice to a person if it still considers it appropriate to do so.				
Enforcement Authority	167(5)(b)	Power to form reasonable belief that it is not appropriate in the circumstances to give the show cause notice.				
Enforcement Authority	168(1)	Power to form reasonable belief a person has committed, or is committing, a development offence, and give an enforcement notice to: (a) the person; and (b) if the offence involves premises and the person is not the owner of the premises— the owner of the premises.				
Enforcement Authority	168(4)(a)	Power to form a reasonable belief that it is not possible or practical to take steps to make the development accepted development.				

Enforcement Authority	168(4)(b)	Power to form a reasonable belief that it is not possible or practical to take steps to make the works comply with a development approval.				
Enforcement Authority	168(4)(c)	Power to form a reasonable belief that the works are dangerous and that it is not possible or practical to take steps to remove the danger.				
Enforcement Authority	169(2)(a)	Power to consult with a private certifier about the giving of a notice.				
Enforcement Authority	169(3)	Power to form a reasonable belief the works for which the enforcement notice is to be given are dangerous.				
Enforcement Authority	169(5)	Power to carry out consultation in the way the enforcement authority considers appropriate.				

Part 4 – Offence proceedings in Magistrates Court

Entity power given to	Section of PA	Description	Delegation to the CEO / Date of Resolution	Sub-Delegation to Officers	Date of Sub-Delegation	Limitations and Conditions
Person	174(1)	Power to bring offence proceedings.				
Representative Person	175(1)(a)	With consent, power to bring offence proceedings in a representative capacity on behalf of a body of persons or a corporation.				Subject to section 237 of the <i>Local Government Act 2009</i>
Representative Person	175(1)(b)	With consent, power to bring offence proceedings on behalf of an individual.				Subject to section 237 of the <i>Local Government Act 2009</i>
Enforcement Authority	176(10)(a)	Power to take action required under an order.				

Enforcement Authority	176(10)(b)	Power to recover the reasonable cost of taking the action as a debt owing to the authority from the defendant.				
Enforcement Authority	178(1)(b)	Power to apply to a Magistrate for an order for the payment of expenses.				

Part 5 - Enforcement orders in P&E Court

Entity power given to	Section of PA	Description	Delegation to the CEO / Date of Resolution	Sub-Delegation to Officers	Date of Sub-Delegation	Limitations and Conditions
Person	180(1)	Power to start proceedings in the P&E Court for an enforcement order.				
Person	180(11)	Power to apply to the P&E Court for a compliance order.				
Enforcement Authority	180(13)(a)	Power to take action required under an order.				
Enforcement Authority	180(13)(b)	Power to recover the reasonable cost of taking the action as a debt owing to the authority from the respondent.				
Person	181(4)	Power to apply to the P&E Court to cancel or change an enforcement order or interim enforcement order.				

CHAPTER 6 – DISPUTE RESOLUTION

Part 1 – Appeal rights

Entity power given to	Section of PA	Description	Delegation to the CEO / Date of Resolution	Sub-Delegation to Officers	Date of Sub-Delegation	Limitations and Conditions
Appellant	229(2)	Power to start an appeal within the appeal period.				

Assessment Manager	229(5)	Power to apply to the tribunal or the P&E Court to withdraw from the appeal if an appeal is only about a referral agencies response.				
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Part 2 – Development Tribunal

Division 2 – Applications for declaration

Entity power given to	Section of PA	Description	Delegation to the CEO / Date of Resolution	Sub-Delegation to Officers	Date of Sub-Delegation	Limitations and Conditions
Person	239(1)	Power to start proceedings for a declaration by a tribunal by filing an application, in the approved form, with the registrar.				
Assessment Manager	240(1)	Power to start proceedings for a declaration about whether a development application is properly made.				
Responsible Entity	241(2)	Power to start proceedings for a declaration about whether the proposed change to the approval is a minor change.				

CHAPTER 7 – MISCELLANEOUS

Part 2 – Taking or purchasing land for planning purposes

Entity power given to	Section of PA	Description	Delegation to the CEO / Date of Resolution	Sub-Delegation to Officers	Date of Sub-Delegation	Limitations and Conditions
Local Government	263(1)(a)	Power to consider that taking or purchasing land would help to achieve the outcomes stated in a local planning instrument.	N/A			

Local Government	263(1)(b)(i)	Power to be satisfied that the development would create a need to construct infrastructure on land or to carry drainage over land.				
Local Government	263(1)(b) (ii)	Power to be satisfied that a person with the benefit of the approval has taken reasonable steps to get the agreement of the owner of the land to actions that would facilitate the construction or carriage, but has not been able to get the agreement.				
Local Government	263(1)(b) (iii)	Power to be satisfied that the action is necessary for the development.				
Local Government	263(3)	In certain circumstances, power to take or purchase land under the Acquisition Act.	N/A			

Part 3 – Public access to documents

Entity power given to	Section of PA	Description	Delegation to the CEO / Date of Resolution	Sub-Delegation to Officers	Date of Sub-Delegation	Limitations and Conditions
Local Government	264(1)(a)	Power to keep or keep publicly available documents including registers relating to local government functions as prescribed in the Reg.				
Local Government	264(2)	Power to keep a copy of each exemption certificate given pursuant to section 46 (2) of the Act and power to keep a register of exemption certificates.				
Local Government	264(5)	Power to allow a person to inspect or obtain a copy of a document prescribed in the Reg				

Local Government	264(6)	Power to decide if a document or information in a document prescribed under the Reg is not disclosable.				
Local Government	265(3)	Power to give a limited, standard or full planning and development certificate for premises.				

Part 4A – Service of document

Entity power given to	Section of PA	Description	Delegation to the CEO / Date of Resolution	Sub-Delegation to Officers	Date of Sub-Delegation	Limitations and Conditions
Person	275C(2)	Power to sign a certificate of service.				

CHAPTER 8 – TRANSITIONAL PROVISIONS AND REPEAL

Part 1 – Transitional provisions for the repeal of Sustainable Planning Act 2009

Division 3 – Planning

Entity power given to	Section of PA	Description	Delegation to the CEO / Date of Resolution	Sub-Delegation to Officers	Date of Sub-Delegation	Limitations and Conditions
Local Government	293(5)	Power to make an amendment of a type mentioned in subsection (1) by following the process set out in the rules.				This delegation does not include any powers that are required to be exercised by Council pursuant to a resolution of Council.

Division 5 – Infrastructure

Entity power given to	Section of PA	Description	Delegation to the CEO / Date of Resolution	Sub-Delegation to Officers	Date of Sub-Delegation	Limitations and Conditions
Local Government	304(4)(a)	Power to adopt charges under section 113.				
Local Government	304(4)(b)	Power to give an infrastructure charges notice under section 119.				
Local Government	304(4)(c)	Power to impose conditions about trunk infrastructure under section 128 or 130.				

Division 6 – Enforcement and dispute resolution

Entity power given to	Section of PA	Description	Delegation to the CEO / Date of Resolution	Sub-Delegation to Officers	Date of Sub-Delegation	Limitations and Conditions
Person	312	Power to bring a proceeding under the section of the old Act stated in column 2, after the commencement, whether the matter happened before or after the commencement.				

Division 7 – Miscellaneous

Entity power given to	Section of PA	Description	Delegation to the CEO / Date of Resolution	Sub-Delegation to Officers	Date of Sub-Delegation	Limitations and Conditions
Local Government	314(6)	Power to apply funds received under a funding agreement to fulfil the local government's responsibilities under subsections (3) or (4), as required by the local government's policy under the unamended old Act, section 143(2).				

**Part 1A – Transitional and saving provisions for Waste
Reduction and Recycling Amendment Act 2017**

Entity power given to	Section of PA	Description	Delegation to the CEO / Date of Resolution	Sub-Delegation to Officers	Date of Sub-Delegation	Limitations and Conditions
Responsible Entity	324B(5)	Power to apply section 79(2), as in force on the commencement, to make a decision about accepting the existing change application.				
Assessment Manager	324C(5)	Power to apply section 86(3), as in force on the commencement, to make a decision about accepting the existing extension application.				

[2019 04 11 - PLAA - Delegation Table]

Development Assessment Rules under the Planning Act 2016 ("PLAA")

Part 1 – Application

Entity power given to	Rule	Description	Delegation to the CEO / Date of Resolution	Sub-Delegation to Officers	Date of Sub-Delegation	Limitations and Conditions
Assessment Manager	1.2	Power to decide a properly made application.				
Assessment Manager	2.2	Power to give a confirmation notice.				
Assessment Manager	3.1	Power to give an action notice.				

Part 2 – Referral

Entity power given to	Rule	Description	Delegation to the CEO / Date of Resolution	Sub-Delegation to Officers	Date of Sub-Delegation	Limitations and Conditions
Referral Agency	6.2	Power to decide a properly made application.				
Referral Agency	7.1	Power to give a confirmation notice.				
Referral Agency	8.1	Power to give an action notice.				
Referral Agency	9.2	Power to give a referral agency response.				

Part 3 – Information request

Entity power given to	Rule	Description	Delegation to the CEO / Date of Resolution	Sub-Delegation to Officers	Date of Sub-Delegation	Limitations and Conditions
Assessment Authority	12.1	Power to make an information request.				
Assessment Authority	12.5	Power to give advice about an information request.				

Part 4 – Public Notification

Entity power given to	Rule	Description	Delegation to the CEO / Date of Resolution	Sub-Delegation to Officers	Date of Sub-Delegation	Limitations and Conditions
Assessment Manager	17.1	Power to publish, place or give a public notice pursuant to section 53(10) of the PA.				
Assessment Manager	19.1	Power to accept a property made submission.				

Part 5 – Decision

Entity power given to	Rule	Description	Delegation to the CEO / Date of Resolution	Sub-Delegation to Officers	Date of Sub-Delegation	Limitations and Conditions
Assessment Manager	22.2	Power to give a copy of a decision notice to each principal submitter.				
Assessment Manager	23.1	Power to receive a notice from a concurrence agency.				

Part 6 – Changes to the application and referral agency responses

Entity power given to	Section of DEAR	Description	Delegation to the CEO / Date of Resolution	Sub-Delegation to Officers	Date of Sub-Delegation	Limitations and Conditions
Assessment Manager	25.1	Power to give a notice of a changed application to a referral agency.				
Assessment Manager	26.2(a)	Power to give a confirmation notice of receipt of a changed application.				
Assessment Manager	26.2(c)	Power to give a notice that public notification is required with respect to the changed application.				
Assessment Manager	26.3	Power to refer a changed application to a referral agency.				
Concurrence Agency	28.1	Power to change a referral agency response to any changed application.				
Concurrence Agency	28.3	Power to give a late referral agency response before a changed application is decided with the agreement of the applicant.				
Concurrence Agency	28.4	Power to give an amended referral agency response to an assessment manager.				

Part 7 – Miscellaneous

Entity power given to	Section of DEAR	Description	Delegation to the CEO / Date of Resolution	Sub-Delegation to Officers	Date of Sub-Delegation	Limitations and Conditions
Referral Agency	29.6	Power to make an information request with respect to a missed referral agency application.				
Assessment Manager	34.1	Power to request third party advice from a third party about an application.				

Assessment Manager	35.1	Power to give a further advice to an applicant.				
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SCHEDULE 1 – SUBSTANTIALLY DIFFERENT DEVELOPMENT

Entity power given to	Section of DEAR	Description	Delegation to the CEO / Date of Resolution	Sub-Delegation to Officers	Date of Sub-Delegation	Limitations and Conditions
Assessment Manager	1	Power to determine if a change to an application is a minor change.				
Assessment Manager	2	Power to determine if a change would result in a substantially different development				

[2019 04 11 - PLAA - Planning Act - Development Assessment Rules Table

INSTRUMENT OF SUB-DELEGATION

Torres Strait Island Regional Council
Planning Act 2016 ("PLAA")
Development Assessment Rules

Under section 259 of the Local Government Act 2009, I, **Bruce Ranga**, Chief Executive Officer of **Torres Strait Island Regional Council**, delegate to those positions which are specified in Schedule 1, the exercise of the powers contained in Schedule 2.

These powers must be exercised subject to the limitations contained in Schedule 3.

This Instrument of Sub-Delegation repeals all prior Instruments sub-delegating to the positions specified in Schedule 1 the exercise of the powers contained in Schedule 2.

My authority to make these sub-delegations is conferred by the *Local Government Act 2009* and the resolution of **Torres Strait Island Regional Council**, made on **Insert date** to delegate those powers to the Chief Executive Officer.

DATED this day of 2020.

Bruce Ranga
Chief Executive Officer
Torres Strait Island Regional Council

Position: Insert Position

Position Code: Insert Position Code

Powers sub-delegated

Development Assessment Rules under the Planning Act 2016 ("PLAA")

Part 1 – Application

Entity power given to	Rule	Description
Assessment Manager	1.2	Power to decide a properly made application.
Assessment Manager	2.2	Power to give a confirmation notice.
Assessment Manager	3.1	Power to give an action notice.

Part 2 – Referral

Entity power given to	Rule	Description
Referral Agency	6.2	Power to decide a properly made application.
Referral Agency	7.1	Power to give a confirmation notice.
Referral Agency	8.1	Power to give an action notice.
Referral Agency	9.2	Power to give a referral agency response.

Part 3 – Information request

Entity power given to	Rule	Description
Assessment Authority	12.1	Power to make an information request.
Assessment Authority	12.5	Power to give advice about an information request.

Part 4 – Public Notification

Entity power given to	Rule	Description
Assessment Manager	17.1	Power to publish, place or give a public notice pursuant to section 53(10) of the PA.
Assessment Manager	19.1	Power to accept a property made submission.

Part 5 – Decision

Entity power given to	Rule	Description
Assessment Manager	22.2	Power to give a copy of a decision notice to each principal submitter.
Assessment Manager	23.1	Power to receive a notice from a concurrence agency.

Part 6 – Changes to the application and referral agency responses

Entity power given to	Section of DEAR	Description
Assessment Manager	25.1	Power to give a notice of a changed application to a referral agency.
Assessment Manager	26.2(a)	Power to give a confirmation notice of receipt of a changed application.
Assessment Manager	26.2(c)	Power to give a notice that public notification is required with respect to the changed application.
Assessment Manager	26.3	Power to refer a changed application to a referral agency.
Concurrence Agency	28.1	Power to change a referral agency response to any changed application.
Concurrence Agency	28.3	Power to give a late referral agency response before a changed application is decided with the agreement of the applicant.
Concurrence Agency	28.4	Power to give an amended referral agency response to an assessment manager.

Part 7 – Miscellaneous

Entity power given to	Section of DEAR	Description
Referral Agency	29.6	Power to make an information request with respect to a missed referral agency application.
Assessment Manager	34.1	Power to request third party advice from a third party about an application.
Assessment Manager	35.1	Power to give a further advice to an applicant.

SCHEDULE 1 – SUBSTANTIALLY DIFFERENT DEVELOPMENT

Entity power given to	Section of DEAR	Description
Assessment Manager	1	Power to determine if a change to an application is a minor change.
Assessment Manager	2	Power to determine if a change would result in a substantially different development

Limitations to the Exercise of Power

7. Where Council in its budget or by resolution allocates an amount for the expenditure of Council funds in relation to a particular matter, in exercising delegated power in relation to that matter, the delegate will only commit Council to reasonably foreseeable expenditure up to the amount allocated.
8. The delegate will not exercise any delegated power in relation to a matter which, to the delegate's knowledge, adversely affects, or is likely to adversely affect, Council's relations with the public at large.
9. The delegate will not exercise any delegated power contrary to a resolution or other decision of Council (including a policy decision relating to the matter).
10. The delegate will not exercise any delegated power in a manner, or which has the foreseeable effect, of being contrary to an adopted Council policy or procedure.
11. The delegate will only exercise a delegated power under this resolution in a manner which complies with the requirements of Council's Planning Scheme, and any exercise of power which involves a departure from or variation of those requirements will only be undertaken by Council.
12. The delegate will not exercise any delegated power which cannot lawfully be the subject of delegation by Council.

[2019 04 11 - PLAA – Sub-Delegation Instrument – Development Assessment Rules -Torres Strait Island Regional Council

Conditions imposed on all Delegations

1. Delegated powers must be read in the context of other powers and subject to conditions stipulated therein;
2. Delegated powers must be exercised consistently with the provisions of Local Government Acts or Regulations, Council Policies and Procedure, Local Laws and Subordinate Local Laws;
3. Any decisions must be made within the financial delegation of the delegate;
4. The delegate shall not give Council opinions and if opinions are to be provided, may only provide personal opinions of the delegate, not in an official capacity as an employee of the Council;
5. Delegated powers only apply to the delegate to the extent that they relate to a delegate's scope of duties as particularised in the Position Description pertaining to that delegate, or as otherwise approved in writing by the CEO or by Council Policy;
6. A delegate may not sub-delegate a power provided for in this Register to a subordinate staff member without the express written consent of the Chief Executive Officer or under a Policy or Procedure adopted by Council;
7. Any power that is not delegable under a Local Government Act or Regulation, shall not be delegable under this instrument;

8. All delegations are subject to conditions imposed in the original delegation to CEO contained in the Instrument of Delegations of Local Government;
9. Whilst exercising a power, the delegate must take into account Ailan Kastom as defined in section 6 of the *Torres Strait Islander Land Act 1991* (Qld); and
10. All Powers delegated to the Chief Executive Officer in this Instrument shall be subject to prior Council consultation where exercise of such Power in all reasonable likelihood shall: -
 - a. impact on land and/or sea; and/or
 - b. involve payment of compensation regarding land; and/or
 - c. require a budget amendment.

INSTRUMENT OF SUB-DELEGATION

Torres Strait Island Regional Council
Planning Act 2016 ("PLAA")

Under section 259 of the *Local Government Act 2009*, I, **Bruce Ranga**, Chief Executive Officer of **Torres Strait Island Regional Council**, delegate to those positions which are specified in Schedule 1, the exercise of the powers contained in Schedule 2.

These powers must be exercised subject to the limitations contained in Schedule 3.

This Instrument of Sub-Delegation repeals all prior Instruments sub-delegating to the positions specified in Schedule 1 the exercise of the powers contained in Schedule 2.

My authority to make these sub-delegations is conferred by the *Local Government Act 2009* and the resolution of **Torres Strait Island Regional Council** made on **Insert date** to delegate those powers to the Chief Executive Officer.

DATED this day of 2020.

Bruce Ranga
Chief Executive Officer
Torres Strait Island Regional Council

Position: Insert Position
Position Code: Insert Position Code

Powers sub-delegated

Planning Act 2016 ("PLAA")

CHAPTER 2 – PLANNING

Part 3 – Local planning instruments

Division 2 – Making or amending planning schemes

Entity power given to	Section of PA	Description
Local Government	18(1)	Power to propose to make or amend a planning scheme.
Local Government	18(2)	Power to give notice of the proposed planning scheme or proposed amendment to the Chief Executive.
Local Government	18(3)	Power to consult with the Chief Executive about the process for making or amending the planning scheme.
Local Government	18(6)	Power to make or amend the planning scheme by following the process in the notice or amended notice.
Local Government	19(1)	In certain circumstances, power to apply a planning scheme as a categorising instrument in relation to prescribed tidal works.
Local Government	20(2)	Power to amend a planning scheme by following the process in the Minister's rules, instead of complying with section 18.
Local Government	21	In certain circumstances, power to follow the process in the Minister's rules for making or amending an LGIP.
Local Government	22(1)	Power to amend a planning scheme policy by following the process in the Minister's rules.
Local Government	23(1)	Power to make a TLPI if the local government and Minister decide – (d) there is significant risk of serious adverse cultural, economic, environmental or social conditions happening in the local government area; (e) the delay involved in using the process in sections 18 to 22 to make or amend another local planning instrument would increase the risk; and (f) the making of the TLPI would not adversely affect State interests.
Local Government	23(2)	Power to amend a TLPI if the Minister decides the amendment of the TLPI would not adversely affect State interests.
Local Government	24(5)	Power to repeal a TLPI by making, or amending, a planning scheme to specifically repeal the TLPI.
Local Government	25(1)(a)	Power to review planning scheme.
Local Government	25(1)(b)	Power to decide, based on that review, whether to amend or replace the planning scheme.
Local Government	25(2)	Power to:

		(d) give written reasons for the decision to the Chief Executive; (e) publish a public notice in the approved form about the decision; and (f) keep a copy of the public notice in a conspicuous place in the local government's public office for a period of at least 40 business days after the notice is published.
Local Government	25(3)	Power to undertake an LGIP review.

Division 3 – State powers for local planning instruments

Entity power given to	Section of PA	Description
Local Government	26(3)(c)	Power to make a submission to the Minister about taking the action.
Local Government	26(4)(a)	Power to take action in accordance with Minister's direction under a Notice.
Local Government	26(4)(b)	Power to take other action in accordance with Minister's direction.

Part 4 – Superseded planning schemes

Division 1 – Applying superseded planning schemes

Entity power given to	Section of PA	Description
Local Government	29(4)(a)	Power to accept, assess and decide a development application (a superseded planning scheme application) under a superseded planning scheme.
Local Government	29(4)(b)	Power to apply a superseded planning scheme to the carrying out of development that was accepted development under the superseded planning scheme.
Local Government	29(6)	Power to decide whether or not to agree to a superseded planning scheme request within the period prescribed by, or extended as required under, the regulation.
Local Government	29(7)	Power to give a decision notice to the person who made the superseded planning scheme request.

Division 2 – Compensation

Entity power given to	Section of PA	Description
Local Government	30(5)	Power to prepare a report assessing feasible alternatives for reducing the risk stated in subsection (4)(e), including imposing development conditions on development approvals.
Local Government	32(1)(a)	Power to approve all or part of a compensation claim.
Local Government	32(1)(b)	Power to refuse a compensation claim.
Local Government	32(1)(c)	Power to give a notice of intention to resume the affected owner's interest in premises under the Acquisition Act, section 7.

Local Government	32(2)	Power to decide to amend the planning scheme to allow premises to be used for the purposes that the premises could be used for under the superseded planning scheme.
Chief Executive Officer	32(3)	Power to give the affected owner: (c) notice of intention to resume; (d) a notice that states the local government's decision, any amount of compensation to be paid and the affected owner's appeal rights.

Part 5 – Designation of premises for development of infrastructure

Entity power given to	Section of PA	Description
Designator	35(1)	Power to identify premises for the development of 1 or more types of infrastructure that are prescribed by regulation.
Designator	35(2)	Power to include designation requirements about any of the matter contained in 35(2)(a)-(c).
Designator	36(1)(a)	Power to be satisfied that the infrastructure will satisfy statutory requirements, or budgetary commitments, for the supply of the infrastructure.
Designator	36(1)(b)	Power to be satisfied that there is or will be a need for the efficient and timely supply of the infrastructure.
Local Government	36(7)(e)	Power to make submission to a Designator in relation to making or amending a designation.
Affected Party	37(4)	Power to make a submission to the Minister about the designation.
Designator	38(1)	Power to: (d) consider properly made submissions; (e) decide to make or amend a designation; and (f) publish a gazette notice.
Designator	39(2)	Power to extend the duration of a designation, for up to 6 years, by publishing a gazette notice about the extension before the designation stops having effect.
Public Sector Entity	39(4)	Power to discontinue proceedings to resume designated premises.
Designator	40(1)	Power to repeal a designation by publishing a gazette notice that states: (e) that the designation is repealed; and (f) a description of the designated premises; and (g) the type of infrastructure for which the premises were designated; and (h) the reasons for the repeal.
Designator	41(4)	Power to: (d) repeal the designation; (e) decide to refuse the request; and (f) decide to take other action that designator considers appropriate in the circumstances.
Designator	41(5)	Power to give a decision notice.
Local Government	42(2)	Power to include a note about the making, amendment, extension or appeal of a designation in the planning scheme.

Local Government	42(4)	Power to include a note in the planning scheme in a way that ensures the other provisions of the scheme that apply to the designated premises remain effective.
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CHAPTER 3 – DEVELOPMENT ASSESSMENT

Part 1 – Types of development and assessment

Entity power given to	Section of PA	Description
Local Government	45(5)(b)	Power to consider and assess against assessment benchmarks and prescribed matters under a regulation and other relevant matters.
Assessment Manager	45(7)	Power to assess a development application against or have regard to the statutory instrument, or other document, as in effect when the development application was properly made.
Assessment Manager	45(8)(a)	Power to give weight the Assessment Manager considers is appropriate, in the circumstances, to a statutory instrument or other document that has been amended or replaced after the development application was properly made but before it was decided by the Assessment Manager.
Assessment Manager	45(8)(b)	Power to give weight the Assessment Manager considers is appropriate in the circumstances to another statutory instrument that came into effect after the development application was properly made but before it was decided by the Assessment Manager.
Local Government	46(2)(a)	Power to give an exemption certificate for a development.
Local Government	46(3)(a)	Power to seek agreement in writing from referral agencies about the giving of an exemption certificate.

Part 2 – Development applications

Division 2 – Making or changing applications

Entity power given to	Section of PA	Description
Owner	51(2)	Power to give owner's consent.
Assessment Manager	51(4)(a)	Power to be satisfied an application complies with subsections (1) to (3).
Assessment Manager	51(4)(b)	Power to be satisfied an application complies with subsection (2) and (3).
Assessment Manager	51(4)(c)	Power to accept an application that does not comply with subsection (1)(a) or (b)(i).
Assessment Manager	51(4)(d)	Power to accept an application that does not comply with subsection (1)(b)(ii) to the extent the required fee has been waived under section 109(b).
Assessment Manager	51(5)	Power to accept a properly made application.
Assessment Manager	52(3)	Power to assess and decide if a change is a minor change.

Assessment Manager	53(3)	Power to assess and decide a development application even if some of the requirements of the development assessment rules about the notice have not been complied with, if the assessment manager considers any noncompliance has not: (c) adversely affected the public's awareness of the existence and nature of the application; or (d) restricted the public's opportunity to make properly made submissions about the application.
Assessment Manager	53(4)(a)	Power to consider submissions about a development application.
Assessment Manager	53(10)	Power to give notice on behalf of an applicant to a referral agency for a fee.

Part 3 –

Assessing and deciding development applications

Division 1 – Referral agency's assessment

Entity power given to	Section of PA	Description
Assessment Manager	54(5)	Power to give a copy of a development application on behalf of an applicant to a referral agency for a fee.
Assessment Manager/ Referral Agency	55(1)	Power to assess the application as required under section 45, as if the agency were the assessment manager.
Referral Agency	55(2)(a)	Power to assess a development application against matters prescribed by the regulation.
Referral Agency	55(2)(b)	Power to have regard to matters prescribed by the regulation for the assessment.
Referral Agency	55(4)	Power to assess the development application against or having regard to the statutory instrument, or other document, as in effect when the application was properly made.
Referral Agency	55(5)(a)	Power to give weight the Referral Agency considers is appropriate, in the circumstances, to a statutory instrument or other document that has been amended or replaced after the development application was properly made.
Referral Agency	55(5)(b)	Power to give the weight the Referral Agency considers is appropriate, in the circumstances, to another statutory instrument that came into effect after the development application was properly made.
Referral Agency	56(1)(a)	Power to decide to tell the assessment manager that the agency has no requirements for the application.
Referral Agency	56(1)(b)	Power to decide to direct the assessment manager to do any or all of the following: (v) to give any development approval subject to stated development conditions; (vi) to give any development approval for only a stated part of the application; (vii) to give any development approval only as a preliminary approval; (viii) to improve a stated currency period for a development approval given.

Referral Agency	56(1)(c)	Power to decide to direct the assessment manager to refuse the application for stated reasons.
Referral Agency	56(2)(a)	Power to decide to tell the assessment manager that the agency has no requirements for the variation request.
Referral Agency	56(2)(b)	Power to decide to direct the assessment manager to do any or all of the following: (iii) to approve only some of the variations sought; (iv) subject to section 61(3) to approve different variations from those sought.
Referral Agency	56(2)(c)	Power to decide to direct the assessment manager to refuse the variation request.
Referral Agency	56(3)	Power to give advice about the application to the assessment manager.

Division 2 – Assessment manager's decision

Entity power given to	Section of PA	Description
Assessment Manager	60(2)(a)	Power to assess and decide the extent to which the application complies with all of the assessment benchmarks for the development.
Assessment Manager	60(2)(b)	Power to decide to approve the application even if the development does not comply with some of the assessment benchmarks.
Assessment Manager	60(2)(c)	Power to impose development conditions on an approval.
Assessment Manager	60(2)(d)	To the extent the development does not comply with some or all the assessment benchmarks, power to decide to refuse the application where compliance cannot be achieved by imposing development conditions.
Assessment Manager	60(3)(a)	Power to decide to approve all or part of the application.
Assessment Manager	60(3)(b)	Power to decide to approve all or part of the application, but impose development conditions on the approval.
Assessment Manager	60(3)(c)	Power to decide to refuse the application.
Assessment Manager	60(5)	Power to give a preliminary approval for all or part of the development application, even though the development application sought a development permit.
Assessment Manager	61(3)(a)(i)	Power to decide to approve all or some of the variations sought.
Assessment Manager	61(3)(a)(ii)	Power to decide to approve different variations from those sought.
Assessment Manager	61(3)(b)	Power to decide to refuse the variations sought.
Assessment Manager	63(1)	Power to give a decision notice.
Assessment Manager	63(4)	Power to publish a notice about the decision on the assessment managers website.

Assessment Manager	64(6)(a)	Power to give an applicant a decision notice which approves the application.
Assessment Manager	64(6)(b)	Power to give an applicant a decision notice which approves the application subject to development conditions.

Division 3 – Development conditions

Entity power given to	Section of PA	Description
Owner of a Premises	66(2)(c)	Power to agree in writing to a later condition applying.
Assessment Manager/ Referral Agency	67	Power to make an agreement with an applicant to establish the responsibilities, or secure the performance, of a party to the agreement about a development condition.

Part 5 –

Development approvals

Division 2 – Changing development approvals

Subdivision 1 – Changes during appeal period

Entity power given to	Section of PA	Description
Assessment Manager	75(4)(b)(ii)	Power to provide an applicant with a notice that they do not agree with the change representations.
Assessment Manager	75(4)(b)(iii)	Power to agree with an applicant to a longer period to make change representations.
Assessment Manager	76(1)	Power to assess change representations against and having regard to the matters that must be considered when assessing a development application to the extent those matters are relevant.
Assessment Manager	76(2)	Power to give a negotiated decision notice.
Local Government	76(6)	Power to give a replacement infrastructure charges notice to an applicant.

Subdivision 2 – Changes after appeal period

Entity power given to	Section of PA	Description
Referral Agency	78A(1)(a)	Power to consider a change application.
Assessment Manager	78A(1)(b)	Power to consider a change application.
Assessment Manager	78A(5)	Power to consider a change application if referred by the Minister.
Responsible Entity	79(2)(a)	Power to be satisfied that an application complies with subsections (1) and (1A).
Responsible Entity	79(2)(b)	Power to be satisfied the application complies with subsection (1A).
Responsible Entity	79(2)(c)	Power to accept an application that does not comply with subsection (1)(a) or (b)(ii).

Responsible Entity	79(2)(d)	Power to accept an application that does not comply with subsection (1)(b)(i) to the extent the required fee has been waived under section 109(b).
Affected Entity	80(2)	Power to give the person who proposes to make the change application a notice (a pre-request response notice) that states— (c) whether the affected entity objects to the change; and (d) the reasons for any objection.
Affected Entity	80(4)(a)	Power to give a responsible entity and the applicant a response notice that states that the affected entity has no objection to the change.
Affected Entity	80(4)(b)	Power to give a responsible entity and the applicant a response notice that states that the affected entity objects to the change and the reasons for objection.
Responsible Entity	81(4)	Power to consider, for a change application, a statutory instrument, or other document, as in effect when the development application for the development approval was properly made.
Responsible Entity	81(5)(a)	Power to give weight the Responsible Entity considers appropriate in the circumstances to the statutory instrument or other document as in effect when the change application was made.
Responsible Entity	81(5)(b)	Power to give the weight the Responsible Entity considers is appropriate, in the circumstances, to a statutory instrument or other document that has amended or replaced after the change application was made but before it was decided.
Responsible Entity	81(5)(c)	Power to give the weight the Responsible Entity considers is appropriate, in the circumstances, to another statutory instrument that came into effect after the change application was made but before it was decided.
Responsible Entity	81A(2)(a)	Power to decide to approve the change application with or without development conditions.
Responsible Entity	81A(2)(b)	Power to decide to refuse the change application.
Responsible Entity / Applicant	81A(5)	Power to agree to extend the period for deciding the change application.
Applicant	81B(2)	Power to give notice of withdrawal of a change application before it is decided.

Subdivision 3 – Notice of decision

Entity power given to	Section of PA	Description
Responsible Entity	83(1)	Power to give a decision notice.
Responsible Entity	83(2)	Power to give a decision notice if a negotiated decision notice is not given in relation to the decision.

Division 3 – Cancelling development approvals

Entity power given to	Section of PA	Description
Assessment Manager	84(4)	Power to cancel the development approval and give notice of the cancellation.

Division 4 – Lapsing of and extending development approvals

Entity power given to	Section of PA	Description
Assessment Manager	86(3)(a)	Power to be satisfied that an application complies with subsections (2) and (2A).
Assessment Manager	86(3)(b)	Power to be satisfied that an application complies with subsection (2A) before an application can be accepted.
Assessment Manager	86(3)(c)	Power to accept an application that does not comply with subsection (2)(a).
Assessment Manager	86(3)(d)	Power to accept an application that does not comply with subsection (2)(b) to the extent the required fee has been waived under section 109(b).
Assessment Manager	87(1)	Power to consider any matter that the assessment manager considers relevant, even if the matter was not relevant to assessing the development application.
Assessment Manager	87(2)(a)	Power to decide whether to give or refuse the extension sought.
Assessment Manager	87(2)(b)	Power to extend the currency period for a period that is different from the extension sought.
Assessment Manager	87(3)	Power to agree to extend the 20 business day period.
Assessment Manager	88(3)	Power to use any security paid under a condition stated in section 65(2)(e) for the purpose stated in the approval or agreement under section 67.

Division 5 – Noting development approvals on planning schemes

Entity power given to	Section of PA	Description
Local Government	89(1)(a)	Power to consider whether a development approval is substantially inconsistent with its planning scheme.

Part 6 – Minister's powers**Division 3 – Minister's call in**

Entity power given to	Section of PA	Description
Person	102(2)	Power to make representations about the proposed call in notice.
Decision-maker	105(3)	Power to provide Minister with reasonable help.

Part 7 – Miscellaneous

Entity power given to	Section of PA	Description
Assessment Manager or Referral Agency or Responsible Entity	109(a)	Power to refund all or part of a required fee.
Assessment Manager or Referral Agency or Responsible Entity	109(b)	Power to waive all or part of a required fee, in the circumstances prescribed by regulation.

CHAPTER 4 – INFRASTRUCTURE

Part 2 – Provisions for Local Governments

Division 2 – Changes for trunk infrastructure

Subdivision 2 – Charges resolutions

Entity power given to	Section of PA	Description
Participating Local Government for a distribution-retailer	115(2)	Power to enter into an agreement (a breakup agreement) about the charges breakup.

Subdivision 3 – Levying charges

Entity power given to	Section of PA	Description
Local Government	119(2)	Power to give an infrastructure charges notices.
Local Government	119(6)	Power to give an applicant an amended infrastructure charges notice.

Subdivision 4 – Payment

Entity power given to	Section of PA	Description
Local Government	123(1)(a)	Power to make an agreement with recipient of an infrastructure charges notice about whether the levied charge under the notice may be paid other than as required under section 122 including whether the charge may be paid by instalments.
Local Government	123(1)(b)	Power to make an agreement with recipient of an infrastructure charges notice about whether infrastructure may be provided instead of paying all or part of the levied charge.

Subdivision 5 – Changing charges during relevant appeal period

Entity power given to	Section of PA	Description
Local Government	125(2)	Power to consider representations.

Local Government	125(3)	Power to give a negotiated notice to the recipient.
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Division 3 – Development approval conditions about truck infrastructure

Subdivision 2 – Conditions for extra trunk infrastructure costs

Entity power given to	Section of PA	Description
Local Government	130(1)	In certain circumstances, the power to require the payment of extra trunk infrastructure costs.
Local Government	130(1)(a)	Power to decide if the development: (i) will generate infrastructure demand of more than that required to service the type or scale of future development that the LGIP assumes; or (ii) will require new trunk infrastructure earlier than when identified in the LGIP; or (iii) is for premises completely or partly outside of the PIA.
Local Government	130(1)(b)	Power to decide whether the development would impose extra trunk infrastructure costs on the local government and to take into account either or both of the following to decide: (i) levied charges for the development; (ii) trunk infrastructure provided, or to be provided, by the applicant under this part.
Local Government	131(2)	Power to agree to an alternative payment time.
Local Government	135(3)	Power to make an agreement with a payer in relation to a refund.

Division 4 – Miscellaneous provisions about trunk infrastructure

Subdivision 1 – Conversion of particular non-trunk infrastructure before construction starts

Entity power given to	Section of PA	Description
Local Government	140(1)	Power to consider and decide the conversion application.
Local Government	140(3)	Power to give the applicant a notice requiring the applicant to give information that the local government reasonably needs to make the decision.
Local Government	140(5)(b)	Power to agree to a later period for giving the information in respect of a conversion application.
Local Government	142(3)	Power to amend the development approval by imposing a necessary infrastructure condition for the trunk infrastructure.

Subdivision 2 – Other provisions

Entity power given to	Section of PA	Description
Local Government	144(2)	Power to make an agreement with an applicant in relation to a levied charge.

Part 3 - Provisions for State infrastructure providers

Entity power given to	Section of PA	Description
Local Government	149(2)(b)	Power to agree with the state infrastructure provider and the person who provided the replacement infrastructure about when the amount of the levy charge will be paid.

Part 4 – Infrastructure agreements

Entity power given to	Section of PA	Description
Public Sector Entity	151(2)	Power to tell the entity making the proposal if the recipient agrees to enter into negotiations for an infrastructure agreement.
Public Sector Entity	158(1)(a)	Power to enter into an agreement with a person about providing or funding infrastructure.
Public Sector Entity	158(1)(b)	Power to enter into an agreement with a person about refunding payments made towards the cost of providing or funding infrastructure.

CHAPTER 5 – OFFENCES AND ENFORCEMENT**Part 3 – Enforcement notices**

Entity power given to	Section of PA	Description
Enforcement Authority	167(1)(a)	Power to form reasonable belief that a person has committed, or is committing, a development offence.
Enforcement Authority	167(1)(b)	Power to consider giving an enforcement notice for an offence to a person.
Enforcement Authority	167(2)	Power to give a show cause notice.
Enforcement Authority	167(4)	Power to give an enforcement notice to a person if it still considers it appropriate to do so.
Enforcement Authority	167(5)(b)	Power to form reasonable belief that it is not appropriate in the circumstances to give the show cause notice.
Enforcement Authority	168(1)	Power to form reasonable belief a person has committed, or is committing, a development offence, and give an enforcement notice to: (c) the person; and (d) if the offence involves premises and the person is not the owner of the premises— the owner of the premises.
Enforcement Authority	168(4)(a)	Power to form a reasonable belief that it is not possible or practical to take steps to make the development accepted development.
Enforcement Authority	168(4)(b)	Power to form a reasonable belief that it is not possible or practical to take steps to make the works comply with a development approval.
Enforcement Authority	168(4)(c)	Power to form a reasonable belief that the works are dangerous and that it is not possible or practical to take steps to remove the danger.

Enforcement Authority	169(2)(a)	Power to consult with a private certifier about the giving of a notice.
Enforcement Authority	169(3)	Power to form a reasonable belief the works for which the enforcement notice is to be given are dangerous.
Enforcement Authority	169(5)	Power to carry out consultation in the way the enforcement authority considers appropriate.

Part 4 – Offence proceedings in Magistrates Court

Entity power given to	Section of PA	Description
Person	174(1)	Power to bring offence proceedings.
Representative Person	175(1)(a)	With consent, power to bring offence proceedings in a representative capacity on behalf of a body of persons or a corporation.
Representative Person	175(1)(b)	With consent, power to bring offence proceedings on behalf of an individual.
Enforcement Authority	176(10)(a)	Power to take action required under an order.
Enforcement Authority	176(10)(b)	Power to recover the reasonable cost of taking the action as a debt owing to the authority from the defendant.
Enforcement Authority	178(1)(b)	Power to apply to a Magistrate for an order for the payment of expenses.

Part 5 - Enforcement orders in P&E Court

Entity power given to	Section of PA	Description
Person	180(1)	Power to start proceedings in the P&E Court for an enforcement order.
Person	180(11)	Power to apply to the P&E Court for a compliance order.
Enforcement Authority	180(13)(a)	Power to take action required under an order.
Enforcement Authority	180(13)(b)	Power to recover the reasonable cost of taking the action as a debt owing to the authority from the respondent.
Person	181(4)	Power to apply to the P&E Court to cancel or change an enforcement order or interim enforcement order.

CHAPTER 6 – DISPUTE RESOLUTION

Part 1 – Appeal rights

Entity power given to	Section of PA	Description
Appellant	229(2)	Power to start an appeal within the appeal period.
Assessment Manager	229(5)	Power to apply to the tribunal or the P&E Court to withdraw from the appeal if an appeal is only about a referral agencies response.

Part 2 –**Development Tribunal****Division 2 – Applications for declaration**

Entity power given to	Section of PA	Description
Person	239(1)	Power to start proceedings for a declaration by a tribunal by filing an application, in the approved form, with the registrar.
Assessment Manager	240(1)	Power to start proceedings for a declaration about whether a development application is properly made.
Responsible Entity	241(2)	Power to start proceedings for a declaration about whether the proposed change to the approval is a minor change.

CHAPTER 7 – MISCELLANEOUS**Part 2 –****Taking or purchasing land for planning purposes**

Entity power given to	Section of PA	Description
Local Government	263(1)(a)	Power to consider that taking or purchasing land would help to achieve the outcomes stated in a local planning instrument.
Local Government	263(1)(b)(i)	Power to be satisfied that the development would create a need to construct infrastructure on land or to carry drainage over land.
Local Government	263(1)(b) (ii)	Power to be satisfied that a person with the benefit of the approval has taken reasonable steps to get the agreement of the owner of the land to actions that would facilitate the construction or carriage, but has not been able to get the agreement.
Local Government	263(1)(b) (iii)	Power to be satisfied that the action is necessary for the development.
Local Government	263(3)	In certain circumstances, power to take or purchase land under the Acquisition Act.

Part 3 –**Public access to documents**

Entity power given to	Section of PA	Description
Local Government	264(1)(a)	Power to keep or keep publicly available documents including registers relating to local government functions as prescribed in the Reg.
Local Government	264(2)	Power to keep a copy of each exemption certificate given pursuant to section 46 (2) of the Act and power to keep a register of exemption certificates.
Local Government	264(5)	Power to allow a person to inspect or obtain a copy of a document prescribed in the Reg
Local Government	264(6)	Power to decide if a document or information in a document prescribed under the Reg is not disclosable.
Local Government	265(3)	Power to give a limited, standard or full planning and development certificate for premises.

Part 4A – Service of document

Entity power given to	Section of PA	Description
Person	275C(2)	Power to sign a certificate of service.

CHAPTER 8 – TRANSITIONAL PROVISIONS AND REPEAL**Part 1 – Transitional provisions for the repeal of Sustainable Planning Act 2009****Division 3 – Planning**

Entity power given to	Section of PA	Description
Local Government	293(5)	Power to make an amendment of a type mentioned in subsection (1) by following the process set out in the rules.

Division 5 – Infrastructure

Entity power given to	Section of PA	Description
Local Government	304(4)(a)	Power to adopt charges under section 113.
Local Government	304(4)(b)	Power to give an infrastructure charges notice under section 119.
Local Government	304(4)(c)	Power to impose conditions about trunk infrastructure under section 128 or 130.

Division 6 – Enforcement and dispute resolution

Entity power given to	Section of PA	Description
Person	312	Power to bring a proceeding under the section of the old Act stated in column 2, after the commencement, whether the matter happened before or after the commencement.

Division 7 – Miscellaneous

Entity power given to	Section of PA	Description
Local Government	314(6)	Power to apply funds received under a funding agreement to fulfil the local government's responsibilities under subsections (3) or (4), as required by the local government's policy under the unamended old Act, section 143(2).

Part 1A – Transitional and saving provisions for Waste Reduction and Recycling Amendment Act 2017

Entity power given to	Section of PA	Description
Responsible Entity	324B(5)	Power to apply section 79(2), as in force on the commencement, to make a decision about accepting the existing change application.

Assessment Manager	324C(5)	Power to apply section 86(3), as in force on the commencement, to make a decision about accepting the existing extension application.
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Limitations to the Exercise of Power

1. Where Council in its budget or by resolution allocates an amount for the expenditure of Council funds in relation to a particular matter, in exercising delegated power in relation to that matter, the delegate will only commit Council to reasonably foreseeable expenditure up to the amount allocated.
2. The delegate will not exercise any delegated power in relation to a matter which, to the delegate's knowledge, adversely affects, or is likely to adversely affect, Council's relations with the public at large.
3. The delegate will not exercise any delegated power contrary to a resolution or other decision of Council (including a policy decision relating to the matter).
4. The delegate will not exercise any delegated power in a manner, or which has the foreseeable effect, of being contrary to an adopted Council policy or procedure.
5. The delegate will only exercise a delegated power under this resolution in a manner which complies with the requirements of Council's Planning Scheme, and any exercise of power which involves a departure from or variation of those requirements will only be undertaken by Council.
6. The delegate will not exercise any delegated power which cannot lawfully be the subject of delegation by Council.

[2019 04 11 - PLAA - Sub-Delegation Instrument]

Conditions imposed on all Delegations

1. Delegated powers must be read in the context of other powers and subject to conditions stipulated therein;
2. Delegated powers must be exercised consistently with the provisions of Local Government Acts or Regulations, Council Policies and Procedure, Local Laws and Subordinate Local Laws;
3. Any decisions must be made within the financial delegation of the delegate;
4. The delegate shall not give Council opinions and if opinions are to be provided, may only provide personal opinions of the delegate, not in an official capacity as an employee of the Council;
5. Delegated powers only apply to the delegate to the extent that they relate to a delegate's scope of duties as particularised in the Position Description pertaining to that delegate, or as otherwise approved in writing by the CEO or by Council Policy;
6. A delegate may not sub-delegate a power provided for in this Register to a subordinate staff member without the express written consent of the Chief Executive Officer or under a Policy or Procedure adopted by Council;
7. Any power that is not delegable under a Local Government Act or Regulation, shall not be delegable under this instrument;
8. All delegations are subject to conditions imposed in the original delegation to CEO contained in the Instrument of Delegations of Local Government;
9. Whilst exercising a power, the delegate must take into account Ailan Kastom as defined in section 6 of the *Torres Strait Islander Land Act 1991* (Qld); and
10. All Powers delegated to the Chief Executive Officer in this Instrument shall be subject to prior Council consultation where exercise of such Power in all reasonable likelihood shall: -
 - a. impact on land and/or sea; and/or
 - b. involve payment of compensation regarding land; and/or
 - c. require a budget amendment.

INSTRUMENT OF DELEGATION

Torres Strait Island Regional Council ***Planning Regulation 2017 ("PLAR")***

Under section 257 of the *Local Government Act 2009*, Torres Strait Island Regional Council resolves to delegate the exercise of the powers contained in Schedule 1 to the Chief Executive Officer.

These powers must be exercised subject to the limitations contained in Schedule 2.

All prior resolutions delegating the same powers to the Chief Executive Officer are repealed.

Planning Regulation 2017 ("PLAR")**Part 2 –****Planning****Division 3 – Superseded planning schemes**

Entity power given to	Section of PLAR	Description
Local Government	12(b)	Power to request an extension to the decision making period specific in 12(a).

SCHEDULE 11 – ASSESSMENT BENCHMARKS FOR DEVELOPMENT IN KOALA HABITAT

Entity power given to	Section of PLAR	Description
Local Government	10(1)	Power to make a requested decision.
Local Government	10(2)	Power to give a notice of a requested decision.
Local Government	10(3)	Power to decide not to make a requested decision and power to give notice of the decision.

SCHEDULE 16 – PRESCRIBED AMOUNT

Entity power given to	Section of PLAR	Description
Local Government	Table 1 "Other uses"	Power to apply to a use that is listed in Column 1 a prescribed amount for another similar use listed in Column 1 (other than in this row).

SCHEDULE 18 – APPROVING PLANS OF SUBDIVISION

Entity power given to	Section of PLAR	Description
Local Government	3(1)	Power to approve a request where compliant with section 2.
Local Government	3(2)	Power to give notice of an approval to request.

SCHEDULE 22 – PUBLICLY ACCESSIBLE DOCUMENTS

Entity power given to	Section of PLAR	Description
Local Government	1(1)	Power to keep documents prescribed therein for inspection and purchase.
Local Government	2(1)	Power to keep documents prescribed therein available for inspection only.
Local Government	3(1)	Power to publish documents on the local government website.

Local Government	3A	In the specified circumstances, power to publish on the local government website a register that complies with section 3A. ¹
Local Government	3B	Power to keep available for inspection and purchase a document that includes the trunk infrastructure information that the local government publishes on its website under 3A(4)-(5). ²
Assessment Manager	5(1)	Power to keep documents prescribed therein for inspection and purchase.
Assessment Manager	6(1)	Power to keep documents prescribed therein available for inspection only.
Assessment Manager	7(1)	Power to publish documents on the local government website.
Local Government as a referral agency	8(1)	Power to keep documents prescribed therein for inspection and purchase.
Local Government as a referral agency	9(1)	Power to keep documents prescribed therein available for inspection only.
Local Government as a referral agency	10(1)	Power to publish documents as a referral agency on the local government website.

¹ Commences on 1 January 2020.

² Commences on 1 January 2020.

LIMITATIONS TO THE EXERCISE OF POWER

1. Where Council in its budget or by resolution allocates an amount for the expenditure of Council funds in relation to a particular matter, in exercising delegated power in relation to that matter, the delegate will only commit Council to reasonably foreseeable expenditure up to the amount allocated.
2. The delegate will not exercise any delegated power in relation to a matter which, to the delegate's knowledge, adversely affects, or is likely to adversely affect, Council's relations with the public at large.
3. The delegate will not exercise any delegated power contrary to a resolution or other decision of Council (including a policy decision relating to the matter).
4. The delegate will not exercise any delegated power in a manner, or which has the foreseeable effect, of being contrary to an adopted Council policy or procedure.
5. The delegate will only exercise a delegated power under this resolution in a manner which complies with the requirements of Council's Planning Scheme, and any exercise of power which involves a departure from or variation of those requirements will only be undertaken by Council.
6. The delegate will not exercise any delegated power which cannot lawfully be the subject of delegation by Council.

[2019 10 04 - PLAR - Delegation Instrument]

Conditions imposed on all Delegations

1. Delegated powers must be read in the context of other powers and subject to conditions stipulated therein;
2. Delegated powers must be exercised consistently with the provisions of Local Government Acts or Regulations, Council Policies and Procedure, Local Laws and Subordinate Local Laws;
3. Any decisions must be made within the financial delegation of the delegate;
4. The delegate shall not give Council opinions and if opinions are to be provided, may only provide personal opinions of the delegate, not in an official capacity as an employee of the Council;
5. Delegated powers only apply to the delegate to the extent that they relate to a delegate's scope of duties as particularised in the Position Description pertaining to that delegate, or as otherwise approved in writing by the CEO or by Council Policy;
6. A delegate may not sub-delegate a power provided for in this Register to a subordinate staff member without the express written consent of the Chief Executive Officer or under a Policy or Procedure adopted by Council;
7. Any power that is not delegable under a Local Government Act or Regulation, shall not be delegable under this instrument;

8. All delegations are subject to conditions imposed in the original delegation to CEO contained in the Instrument of Delegations of Local Government;
9. Whilst exercising a power, the delegate may take into account Ailan Kastom (section 9(3) LGA 2009); and
10. All Powers delegated to the Chief Executive Officer in this Instrument shall be subject to prior Council consultation where exercise of such Power in all reasonable likelihood shall:
 -
 - a. impact on land and/or sea; and/or
 - b. involve payment of compensation regarding land; and/or
 - c. require a budget amendment.

DELEGABLE POWERS UNDER THE PLANNING REGULATION 2017 ("PLAR")

Part 2 – Planning

Division 3 – Superseded planning schemes

Entity power given to	Section of PLAR	Description	Delegation to the CEO / Date of Resolution	Sub-Delegation to Officers	Date of Sub-Delegation	Limitations and Conditions
Local Government	12(b)	Power to request an extension to the decision making period specific in 12(a).				

SCHEDULE 11 – ASSESSMENT BENCHMARKS FOR DEVELOPMENT IN KOALA HABITAT

Entity power given to	Section of PLAR	Description	Delegation to the CEO / Date of Resolution	Sub-Delegation to Officers	Date of Sub-Delegation	Limitations and Conditions
Local Government	10(1)	Power to make a requested decision.				
Local Government	10(2)	Power to give a notice of a requested decision.				
Local Government	10(3)	Power to decide not to make a requested decision and power to give notice of the decision.				

SCHEDULE 16 – PRESCRIBED AMOUNT

Entity power given to	Section of PLAR	Description	Delegation to the CEO / Date of Resolution	Sub-Delegation to Officers	Date of Sub-Delegation	Limitations and Conditions
Local Government	Table 1 "Other uses"	Power to apply to a use that is listed in Column 1 a prescribed amount for another similar use listed in Column 1 (other than in this row).				

SCHEDULE 18 – APPROVING PLANS OF SUBDIVISION

Entity power given to	Section of PLAR	Description	Delegation to the CEO / Date of Resolution	Sub-Delegation to Officers	Date of Sub-Delegation	Limitations and Conditions
Local Government	3(1)	Power to approve a request where compliant with section 2.				
Local Government	3(2)	Power to give notice of an approval to request.				

SCHEDULE 22 – PUBLICLY ACCESSIBLE DOCUMENTS

Entity power given to	Section of PLAR	Description	Delegation to the CEO / Date of Resolution	Sub-Delegation to Officers	Date of Sub-Delegation	Limitations and Conditions
Local Government	1(1)	Power to keep documents prescribed therein for inspection and purchase.				
Local Government	2(1)	Power to keep documents prescribed therein available for inspection only.				
Local Government	3(1)	Power to publish documents on the local government website.				

Local Government	3A	In the specified circumstances, power to publish on the local government website a register that complies with section 3A. ³				
Local Government	3B	Power to keep available for inspection and purchase a document that includes the trunk infrastructure information that the local government publishes on its website under 3A(4)-(5). ⁴				
Assessment Manager	5(1)	Power to keep documents prescribed therein for inspection and purchase.				
Assessment Manager	6(1)	Power to keep documents prescribed therein available for inspection only.				
Assessment Manager	7(1)	Power to publish documents on the local government website.				
Local Government as a referral agency	8(1)	Power to keep documents prescribed therein for inspection and purchase.				
Local Government as a referral agency	9(1)	Power to keep documents prescribed therein available for inspection only.				
Local Government as a referral agency	10(1)	Power to publish documents as a referral agency on the local government website.				

[2019 10 04 - PLAR - Delegation Table]

³ Commences on 1 January 2020.

⁴ Commences on 1 January 2020.

INSTRUMENT OF SUB-DELEGATION

Torres Strait Island Regional Council
Planning Regulation 2017 ("PLAR")

Under section 259 of the *Local Government Act 2009*, I, **Bruce Ranga**, Chief Executive Officer of **Torres Strait Island Regional Council**, delegate to those positions which are specified in Schedule 1, the exercise of the powers contained in Schedule 2.

These powers must be exercised subject to the limitations contained in Schedule 3.

This Instrument of Sub-Delegation repeals all prior Instruments sub-delegating to the positions specified in Schedule 1 the exercise of the powers contained in Schedule 2.

My authority to make these sub-delegations is conferred by the *Local Government Act 2009* and the resolution of **Torres Strait Island Regional Council** made on **Insert date** to delegate those powers to the Chief Executive Officer.

DATED this _____ day of _____, 2020.

Bruce Ranga
Chief Executive Officer
Torres Strait Island Regional Council

Position: Insert Position
Position Code: Insert Position Code

POWERS SUB-DELEGATED

Planning Regulation 2017 ("PLAR")

Part 2 –

Planning

Division 3 – Superseded planning schemes

Entity power given to	Section of PLAR	Description
Local Government	12(b)	Power to request an extension to the decision making period specific in 12(a).

SCHEDULE 11 – ASSESSMENT BENCHMARKS FOR DEVELOPMENT IN KOALA HABITAT

Entity power given to	Section of PLAR	Description
Local Government	10(1)	Power to make a requested decision.
Local Government	10(2)	Power to give a notice of a requested decision.
Local Government	10(3)	Power to decide not to make a requested decision and power to give notice of the decision.

SCHEDULE 16 – PRESCRIBED AMOUNT

Entity power given to	Section of PLAR	Description
Local Government	Table 1 "Other uses"	Power to apply to a use that is listed in Column 1 a prescribed amount for another similar use listed in Column 1 (other than in this row).

SCHEDULE 18 – APPROVING PLANS OF SUBDIVISION

Entity power given to	Section of PLAR	Description
Local Government	3(1)	Power to approve a request where compliant with section 2.
Local Government	3(2)	Power to give notice of an approval to request.

SCHEDULE 22 – PUBLICLY ACCESSIBLE DOCUMENTS

Entity power given to	Section of PLAR	Description
Local Government	1(1)	Power to keep documents prescribed therein for inspection and purchase.
Local Government	2(1)	Power to keep documents prescribed therein available for inspection only.

Local Government	3(1)	Power to publish documents on the local government website.
Local Government	3A	In the specified circumstances, power to publish on the local government website a register that complies with section 3A. ⁵
Local Government	3B	Power to keep available for inspection and purchase a document that includes the trunk infrastructure information that the local government publishes on its website under 3A(4)-(5). ⁶
Assessment Manager	5(1)	Power to keep documents prescribed therein for inspection and purchase.
Assessment Manager	6(1)	Power to keep documents prescribed therein available for inspection only.
Assessment Manager	7(1)	Power to publish documents on the local government website.
Local Government as a referral agency	8(1)	Power to keep documents prescribed therein for inspection and purchase.
Local Government as a referral agency	9(1)	Power to keep documents prescribed therein available for inspection only.
Local Government as a referral agency	10(1)	Power to publish documents as a referral agency on the local government website.

⁵ Commences on 1 January 2020.

⁶ Commences on 1 January 2020.

LIMITATIONS TO THE EXERCISE OF POWER

1. Where Council in its budget or by resolution allocates an amount for the expenditure of Council funds in relation to a particular matter, in exercising delegated power in relation to that matter, the delegate will only commit Council to reasonably foreseeable expenditure up to the amount allocated.
2. The delegate will not exercise any delegated power in relation to a matter which, to the delegate's knowledge, adversely affects, or is likely to adversely affect, Council's relations with the public at large.
3. The delegate will not exercise any delegated power contrary to a resolution or other decision of Council (including a policy decision relating to the matter).
4. The delegate will not exercise any delegated power in a manner, or which has the foreseeable effect, of being contrary to an adopted Council policy or procedure.
5. The delegate will only exercise a delegated power under this resolution in a manner which complies with the requirements of Council's Planning Scheme, and any exercise of power which involves a departure from or variation of those requirements will only be undertaken by Council.
6. The delegate will not exercise any delegated power which cannot lawfully be the subject of delegation by Council.

[2019 10 04 - PLAR - Sub-Delegation Instrument]

Conditions imposed on all Delegations

1. Delegated powers must be read in the context of other powers and subject to conditions stipulated therein;
2. Delegated powers must be exercised consistently with the provisions of Local Government Acts or Regulations, Council Policies and Procedure, Local Laws and Subordinate Local Laws;
3. Any decisions must be made within the financial delegation of the delegate;
4. The delegate shall not give Council opinions and if opinions are to be provided, may only provide personal opinions of the delegate, not in an official capacity as an employee of the Council;
5. Delegated powers only apply to the delegate to the extent that they relate to a delegate's scope of duties as particularised in the Position Description pertaining to that delegate, or as otherwise approved in writing by the CEO or by Council Policy;
6. A delegate may not sub-delegate a power provided for in this Register to a subordinate staff member without the express written consent of the Chief Executive Officer or under a Policy or Procedure adopted by Council;
7. Any power that is not delegable under a Local Government Act or Regulation, shall not be delegable under this instrument;

8. All delegations are subject to conditions imposed in the original delegation to CEO contained in the Instrument of Delegations of Local Government;
9. Whilst exercising a power, the delegate may take into account Ailan Kastom (section 9(3) LGA 2009); and
10. All Powers delegated to the Chief Executive Officer in this Instrument shall be subject to prior Council consultation where exercise of such Power in all reasonable likelihood shall:
 -
 - a. impact on land and/or sea; and/or
 - b. involve payment of compensation regarding land; and/or
 - c. require a budget amendment.

INSTRUMENT OF DELEGATION

Torres Strait Island Regional Council ***Public Health Regulation 2018 ("PUHR")***

Under section 257 of the *Local Government Act 2009*, Torres Strait Island Regional Council resolves to delegate the exercise of the powers contained in Schedule 1 to the Chief Executive Officer.

These powers must be exercised subject to the limitations contained in Schedule 2.

All prior resolutions delegating the same powers to the Chief Executive Officer are repealed.

Public Health Regulation 2018 ("PUHR")**Part 2 – Public Health Risks**

Entity power given to	Section of PUHR	Description
Local Government	12(2)(c)	Power to approve a site for the disposal of asbestos waste.

LIMITATIONS TO THE EXERCISE OF POWER

1. Where Council in its budget or by resolution allocates an amount for the expenditure of Council funds in relation to a particular matter, in exercising delegated power in relation to that matter, the delegate will only commit Council to reasonably foreseeable expenditure up to the amount allocated.
2. The delegate will not exercise any delegated power in relation to a matter which, to the delegate's knowledge, adversely affects, or is likely to adversely affect, Council's relations with the public at large.
3. The delegate will not exercise any delegated power contrary to a resolution or other decision of Council (including a policy decision relating to the matter).
4. The delegate will not exercise any delegated power in a manner, or which has the foreseeable effect, of being contrary to an adopted Council policy or procedure.
5. The delegate will only exercise a delegated power under this resolution in a manner which complies with the requirements of Council's Planning Scheme, and any exercise of power which involves a departure from or variation of those requirements will only be undertaken by Council.
6. The delegate will not exercise any delegated power which cannot lawfully be the subject of delegation by Council.

[2019 03 29 - PUHR - Delegation Instrument]

Conditions imposed on all Delegations

1. Delegated powers must be read in the context of other powers and subject to conditions stipulated therein;
2. Delegated powers must be exercised consistently with the provisions of Local Government Acts or Regulations, Council Policies and Procedure, Local Laws and Subordinate Local Laws;
3. Any decisions must be made within the financial delegation of the delegate;
4. The delegate shall not give Council opinions and if opinions are to be provided, may only provide personal opinions of the delegate, not in an official capacity as an employee of the Council;
5. Delegated powers only apply to the delegate to the extent that they relate to a delegate's scope of duties as particularised in the Position Description pertaining to that delegate, or as otherwise approved in writing by the CEO or by Council Policy;
6. A delegate may not sub-delegate a power provided for in this Register to a subordinate staff member without the express written consent of the Chief Executive Officer or under a Policy or Procedure adopted by Council;
7. Any power that is not delegable under a Local Government Act or Regulation, shall not be delegable under this instrument;
8. All delegations are subject to conditions imposed in the original delegation to CEO contained in the Instrument of Delegations of Local Government;

9. Whilst exercising a power, the delegate may take into account Ailan Kastom (section 9(3) LGA 2009); and
10. All Powers delegated to the Chief Executive Officer in this Instrument shall be subject to prior Council consultation where exercise of such Power in all reasonable likelihood shall:
 -
 - a. impact on land and/or sea; and/or
 - b. involve payment of compensation regarding land; and/or
 - c. require a budget amendment.

DELEGABLE POWERS UNDER THE PUBLIC HEALTH REGULATION 2018 ("PUHR")

Part 2 – Public Health Risks

Entity power given to	Section of PUHR	Description	Delegation to the CEO / Date of Resolution	Sub-Delegation to Officers	Date of Sub-Delegation	Limitations and Conditions
Local Government	12(2)(c)	Power to approve a site for the disposal of asbestos waste.				

[2019 03 29 - PUHR - Delegation Table]

INSTRUMENT OF SUB-DELEGATION

Torres Strait Island Regional Council
Public Health Regulation 2018 ("PUHR")

Under section 259 of the *Local Government Act 2009*, I, **Bruce Ranga**, Chief Executive Officer of **Torres Strait Island Regional Council**, delegate to those positions which are specified in Schedule 1, the exercise of the powers contained in Schedule 2.

These powers must be exercised subject to the limitations contained in Schedule 3.

This Instrument of Sub-Delegation repeals all prior Instruments sub-delegating to the positions specified in Schedule 1 the exercise of the powers contained in Schedule 2.

My authority to make these sub-delegations is conferred by the *Local Government Act 2009* and the resolution of **Torres Strait Island Regional Council** made on **Insert date** to delegate those powers to the Chief Executive Officer.

DATED this day of 2020.

Bruce Ranga
Chief Executive Officer
Torres Strait Island Regional Council

Position: Insert Position
Position Code: Insert Position Code

POWERS SUB-DELEGATED

Public Health Regulation 2018 ("PUHR")

Part 2 – Public Health Risks

Entity power given to	Section of PUHR	Description
Local Government	12(2)(c)	Power to approve a site for the disposal of asbestos waste.

LIMITATIONS TO THE EXERCISE OF POWER

7. Where Council in its budget or by resolution allocates an amount for the expenditure of Council funds in relation to a particular matter, in exercising delegated power in relation to that matter, the delegate will only commit Council to reasonably foreseeable expenditure up to the amount allocated.
8. The delegate will not exercise any delegated power in relation to a matter which, to the delegate's knowledge, adversely affects, or is likely to adversely affect, Council's relations with the public at large.
9. The delegate will not exercise any delegated power contrary to a resolution or other decision of Council (including a policy decision relating to the matter).
10. The delegate will not exercise any delegated power in a manner, or which has the foreseeable effect, of being contrary to an adopted Council policy or procedure.
11. The delegate will only exercise a delegated power under this resolution in a manner which complies with the requirements of Council's Planning Scheme, and any exercise of power which involves a departure from or variation of those requirements will only be undertaken by Council.
12. The delegate will not exercise any delegated power which cannot lawfully be the subject of delegation by Council.

[2019 03 29 - PUHR - Sub-Delegation Instrument]

Conditions imposed on all Delegations

1. Delegated powers must be read in the context of other powers and subject to conditions stipulated therein;
2. Delegated powers must be exercised consistently with the provisions of Local Government Acts or Regulations, Council Policies and Procedure, Local Laws and Subordinate Local Laws;
3. Any decisions must be made within the financial delegation of the delegate;
4. The delegate shall not give Council opinions and if opinions are to be provided, may only provide personal opinions of the delegate, not in an official capacity as an employee of the Council;
5. Delegated powers only apply to the delegate to the extent that they relate to a delegate's scope of duties as particularised in the Position Description pertaining to that delegate, or as otherwise approved in writing by the CEO or by Council Policy;
6. A delegate may not sub-delegate a power provided for in this Register to a subordinate staff member without the express written consent of the Chief Executive Officer or under a Policy or Procedure adopted by Council;
7. Any power that is not delegable under a Local Government Act or Regulation, shall not be delegable under this instrument;

8. All delegations are subject to conditions imposed in the original delegation to CEO contained in the Instrument of Delegations of Local Government;
9. Whilst exercising a power, the delegate may take into account Ailan Kastom (section 9(3) LGA 2009); and
10. All Powers delegated to the Chief Executive Officer in this Instrument shall be subject to prior Council consultation where exercise of such Power in all reasonable likelihood shall:
 -
 - a. impact on land and/or sea; and/or
 - b. involve payment of compensation regarding land; and/or
 - c. require a budget amendment.

INSTRUMENT OF DELEGATION

Torres Strait Island Regional Council ***Right to Information Act 2009 ("RTIA")***

Under section 257 of the *Local Government Act 2009*, Torres Strait Island Regional Council resolves to delegate the exercise of the powers contained in Schedule 1 to the Chief Executive Officer.

These powers must be exercised subject to the limitations contained in Schedule 2.

All prior resolutions delegating the same powers to the Chief Executive Officer are repealed.

Right to Information Act 2009 ("RTIA")**CHAPTER 3 – DISCLOSURE BY APPLICATION UNDER THIS ACT****Part 3 – Dealing with application****Division 2 – Preliminary contact with applicant**

Entity power given to	Section of RTIA	Description
NOTE	30(1)	Power to deal with all access applications made to a local government as an agency under this Act, is given directly to the Chief Executive Officer as the Council's "principal officer".
Principal Officer	30(2)	The CEO as the Council's Principal Officer has the power to delegate the principal officer powers to deal with an application to another officer of the agency.
Entity	32(1)(b)	Power to decide the application is outside the scope of this Act.
Entity	32(2)	Power to give a prescribed written notice to the applicant of the decision.
Agency	33(2)	Power to inform the person how the application does not comply with the relevant application requirement.
Agency	33(3)	Power to consult with the applicant with a view to making an application in a form complying with all relevant application requirements.
Agency	33(6)	Power to decide the application does not comply with all relevant application requirements and give the applicant prescribed written notice of the decision.
Agency	34(2)	Power to, within 15 business days after the application is received, inform the applicant that: <ul style="list-style-type: none"> (a) the application could have been made under the Information Privacy Act without any application fee or processing charge being payable; and (b) the applicant may either: <ul style="list-style-type: none"> (i) ask for the application to be dealt with under the Information Privacy Act; or (ii) confirm the application as an application under this Act.
Agency	35(1)	In the specified circumstances, power to ask the applicant for a further specified period to consider the application.
Agency	35(3)	In the specified circumstances, power to continue to consider the application and make a considered decision relating to it.
Agency	36(1)	If a person makes an access application, power to: <ul style="list-style-type: none"> (a) consider whether a processing charge or access charge is payable in relation to the application; and (b) before the end of the processing period for the application, give the applicant: <ul style="list-style-type: none"> (i) a schedule of relevant documents for the applicant unless the applicant waives the requirement; and (ii) a charges estimate notice.

Agency	36(2)	Power to consult with the applicant with a view to narrowing the application to reduce the applicable charges.
Agency	36(4)	Power to give the applicant a new charges estimate notice.
Agency	36(7)	Power to agree to extend the prescribed period.

Division 3 – Contact with relevant third party

Entity power given to	Section of RTIA	Description
Agency	37(1)	Power to give access to a document that contains information the disclosure of which may reasonably be expected to be of concern to a government, agency or person (relevant third party) only after taking steps that are reasonably practicable to: <ul style="list-style-type: none"> (a) obtain the views of the relevant third party about whether: <ul style="list-style-type: none"> (i) the document is a document to which this Act does not apply; or (ii) the information is exempt information or contrary to public interest information; and (b) inform the relevant third party that if access is given to the document because of an access application, access may also be given to the document under a disclosure log.
Agency	37(3)(b)	Power to decide: <ul style="list-style-type: none"> (i) the document is a document to which this Act does apply; or (ii) the information is not exempt information or contrary to public interest information.
Agency	37(3)(c)	Power to give prescribed written notice of the decision to the applicant and relevant third party.
Agency	37(4)	Power to give the applicant written notice when access is no longer deferred under subsection (3)(d).

Division 4 – Transfers

Entity power given to	Section of RTIA	Description
Agency	38(2)	In the specified circumstances, power to transfer an application to another agency.
Agency	38(2)(b)	Power to consent to the transfer of an application.

Part 4 – Refusal to deal with application

Entity power given to	Section of RTIA	Description
Agency	40(2)	Power to refuse to deal with the application without having identified any or all of the documents.
Agency	41(1)	Power to consider that the work involved in dealing with an application or all of the applications would substantially and unreasonably divert the resources of agency from their use, and subsequently the power to refuse to deal with an access application, or if there are 2 or more, all of the applications.
Agency	42(1)(a)	Power to give the applicant a written notice:

		<ul style="list-style-type: none"> (i) stating an intention to refuse to deal with the application; and (ii) advising that, for the prescribed consultation period for the notice, the applicant may consult with the agency with a view to making an application in a form that would remove the ground for refusal; and (iii) stating the effect of subsections (2) to (6).
Agency	42(1)(a)(ii)	Power to consult the applicant with a view to making an application in the form that would remove the ground for refusal.
Agency	42(6)	Power to agree to a longer prescribed consultation period.
Agency	43(3)	In the specified circumstances, power to refuse to deal with a later application to the extent it is for access to a document or documents sought under the first application.
Agency	43(3)(b)(ii)	Power to decide that the application is for a document to which this Act does not apply.
Agency	43(3)(b)(iii)	Power to decide that the document or documents sought are documents access to which was refused under section 47.
Agency	43(3)(c)(ii)	Power to decide that the application is for a document to which chapter 3 of the Information Privacy Act does not apply.

Part 5 – Decision

Entity power given to	Section of RTIA	Description
Agency	45(a)	In the specified circumstances, power to make a considered decision: <ul style="list-style-type: none"> (i) whether access is to be given to the document; and (ii) if the access is to be given – whether any charge must be paid before access is given.
Agency	45(b)	Power to give the person written notice of the decision under section 54.
Principal Officer	46(2)	In the specified circumstances, power to give prescribed written notice of the decision to the applicant.
Agency	47(3)	In the specified circumstances, power to refuse access to a document of the agency.
Agency	48(1)	For an access application made for a document, power to decide to give access to the document unless disclosure would, on balance, be contrary to the public interest.
Agency	48(3)	Despite section 48(1), power to decide to give access to all or part of a document.
Agency	49(1)	For an access application made for a document, power to decide to give access to the document unless disclosure would, on balance, be contrary to the public interest.
Agency	49(3)	Power to consider on the balance, disclosure of information would be contrary to the public interest.
Agency	49(5)	Despite section 47(3)(b), power to decide to give access to all or part of a document.
Agency	50(1)	For an access application made for a document, power to decide to give access to the document unless disclosure would, on balance, be contrary to the public interest.
Agency	50(4)	Despite section 47(3)(c), power to decide to give access to all or part of a document.

Agency	51(1)	For an access application made for a document, power to decide to give access to the document unless disclosure would, on balance, be contrary to the public interest.
Agency	51(3)	Despite section 47(3)(d), power to decide to give access to all or part of a document.
Agency	52(1)(a)	Power to be satisfied that a document does not exist.
Agency	52(1)(b)	Power to be satisfied that: (i) the document has been or should be in the agency's possession; and (ii) all reasonable steps have been taken to find the document but the document cannot be found.
Agency	52(2)	In the specified circumstances, power to consider the document has been kept in, and is retrievable from, the backup system.
Agency	54(1)	In the specified purposes, power to give a prescribed written notice to an applicant for an access application.
Agency	55(2)	In the specified circumstances, power to give a prescribed written notice.

Part 6 – Charging regime
Division 3 – Waiver of charges

Entity power given to	Section of RTIA	Description
Agency	64(1)	Power to consider that the likely associated costs to the agency would be more than the likely amount of the charge, and waive a processing or access charge.
Agency	66(2)	In the specified circumstances, power to decide to waive any processing charge, or access charge for the application.
Agency	66(3)	Power to give the applicant a prescribed written notice of a decision under subsection (2) before the end of the processing period.

Part 7 – Giving access
Division 1 – Giving access to applicant

Entity power given to	Section of RTIA	Description
Agency	68(4)	In the specified circumstances, power to refuse access in a particular form and to give in another form.
Agency	68(8)	Power to give access to a document in another form if agreed to by the applicant.
Agency	72(1)	In the specified circumstances, power to defer giving access to a document for a reasonable period.
Agency	72(2)	Power to give the applicant written notice when access is no longer deferred under section 72(1).
Agency	73(1)	Power to reasonably consider whether information in a document is not relevant to the access application for the document.
Agency	73(2)	Power to delete irrelevant information from a copy of a document and give access to the document by giving access to a copy of the document with the irrelevant information deleted.

Agency	73(3)	Power to decide that it is reasonably practicable to give access to the copy.
Agency	74(2)	In the specified circumstances, power to give access.
Agency	75(2)	In the specified circumstances, power to give access.
Agency	75B(2)	In the specified circumstances, power to give access.
Agency	76(2)	In the specified circumstances, power to consider whether it is consistent with the primary object of the Act to give the applicant, or a person nominated by the applicant and approved by the agency (an <i>intermediary</i>), a summary of the person information on conditions of use or disclosure agreed between the agency and the intermediary, or between the agency, the intermediary and the applicant.
Agency	76(3)	Power to: (a) consult with the information giver; (b) consult with the other person.
Agency	77(2)	In the specified circumstances, power to direct that access to the document is to be given instead to an appropriately qualified healthcare professional nominated by the applicant and approved by the agency.

Part 8 – Internal review

Entity power given to	Section of RTIA	Description
Agency	83(1)	Power to decide an internal review application.
Agency	83(2)	Power to notify the applicant of the decision in the circumstances specified.
Principal Officer	83(3)	Power to give prescribed written notice of the decision to the applicant.

Part 9 – External review

Division 3 – After application made

Entity power given to	Section of RTIA	Description
Agency	93(1)(b)	Power to apply to the commissioner to allow further time to deal with the access application.

Division 5 – Powers of information commissioner on external review

Entity power given to	Section of RTIA	Description
Agency	99(2)	Power to give an additional statement to the commissioner and the applicant, containing further and better particulars of the reasons for the decision.

Part 10 – Vexatious applicants

Entity power given to	Section of RTIA	Description
Agency	114(1)	Power to apply to the information commissioner to request a declaration that a person is a vexatious applicant.

Part 11 – References of questions of law and appeals

Entity power given to	Section of RTIA	Description
Participant in an external review	118(1)	Power to request the commissioner refer a question of law arising on an external review to QCAT.
Participant in an external review	119(1)	Power to appeal to the appeal tribunal against the decision of the information commissioner on the external review.

SCHEDULE 4 – Factors for deciding the public interest

Part 4 – Factors favouring nondisclosure in the public interest because of public interest harming disclosure

Entity power given to	Section of RTIA	Description
Prescribed entity	1(3)	Power to make an application to the information commissioner to extend the 10 year period if the commissioner considers the extension in the public interest.

LIMITATIONS TO THE EXERCISE OF POWER

1. Where Council in its budget or by resolution allocates an amount for the expenditure of Council funds in relation to a particular matter, in exercising delegated power in relation to that matter, the delegate will only commit Council to reasonably foreseeable expenditure up to the amount allocated.
2. The delegate will not exercise any delegated power in relation to a matter which, to the delegate's knowledge, adversely affects, or is likely to adversely affect, Council's relations with the public at large.
3. The delegate will not exercise any delegated power contrary to a resolution or other decision of Council (including a policy decision relating to the matter).
4. The delegate will not exercise any delegated power in a manner, or which has the foreseeable effect, of being contrary to an adopted Council policy or procedure.
5. The delegate will only exercise a delegated power under this resolution in a manner which complies with the requirements of Council's Planning Scheme, and any exercise of power which involves a departure from or variation of those requirements will only be undertaken by Council.
6. The delegate will not exercise any delegated power which cannot lawfully be the subject of delegation by Council.

[2019 04 01 - RTIA - Delegation Instrument]

Conditions imposed on all Delegations

1. Delegated powers must be read in the context of other powers and subject to conditions stipulated therein;
2. Delegated powers must be exercised consistently with the provisions of Local Government Acts or Regulations, Council Policies and Procedure, Local Laws and Subordinate Local Laws;
3. Any decisions must be made within the financial delegation of the delegate;
4. The delegate shall not give Council opinions and if opinions are to be provided, may only provide personal opinions of the delegate, not in an official capacity as an employee of the Council;
5. Delegated powers only apply to the delegate to the extent that they relate to a delegate's scope of duties as particularised in the Position Description pertaining to that delegate, or as otherwise approved in writing by the CEO or by Council Policy;
6. A delegate may not sub-delegate a power provided for in this Register to a subordinate staff member without the express written consent of the Chief Executive Officer or under a Policy or Procedure adopted by Council;
7. Any power that is not delegable under a Local Government Act or Regulation, shall not be delegable under this instrument;
8. All delegations are subject to conditions imposed in the original delegation to CEO contained in the Instrument of Delegations of Local Government;

9. Whilst exercising a power, the delegate may take into account Ailan Kastom (section 9(3) LGA 2009); and
10. All Powers delegated to the Chief Executive Officer in this Instrument shall be subject to prior Council consultation where exercise of such Power in all reasonable likelihood shall:
 -
 - a. impact on land and/or sea; and/or
 - b. involve payment of compensation regarding land; and/or
 - c. require a budget amendment.

DELEGABLE POWERS UNDER THE RIGHT TO INFORMATION ACT 2009 ("RTIA")

CHAPTER 3 – DISCLOSURE BY APPLICATION UNDER THIS ACT

Part 3 – Dealing with application

Division 2 – Preliminary contact with applicant

Entity power given to	Section of RTIA	Description	Delegation to the CEO / Date of Resolution	Sub-Delegation to Officers	Date of Sub-Delegation	Limitations and Conditions
NOTE	30(1)	Power to deal with all access applications made to a local government as an agency under this Act, is given directly to the Chief Executive Officer as the Council's "principal officer".				
Principal Officer	30(2)	The CEO as the Council's Principal Officer has the power to delegate the principal officer powers to deal with an application to another officer of the agency.	This power does not need to be delegated as it is given directly to the CEO (as the agency's principal officer) under the Act.			
Entity	32(1)(b)	Power to decide the application is outside the scope of this Act.				
Entity	32(2)	Power to give a prescribed written notice to the applicant of the decision.				
Agency	33(2)	Power to inform the person how the application does not comply with the relevant application requirement.				

Agency	33(3)	Power to consult with the applicant with a view to making an application in a form complying with all relevant application requirements.				
Agency	33(6)	Power to decide the application does not comply with all relevant application requirements and give the applicant prescribed written notice of the decision.				
Agency	34(2)	Power to, within 15 business days after the application is received, inform the applicant that: (a) the application could have been made under the Information Privacy Act without any application fee or processing charge being payable; and (b) the applicant may either: (i) ask for the application to be dealt with under the Information Privacy Act; or (ii) confirm the application as an application under this Act.				
Agency	35(1)	In the specified circumstances, power to ask the applicant for a further specified period to consider the application.				
Agency	35(3)	In the specified circumstances, power to continue to consider the application and make a considered decision relating to it.				
Agency	36(1)	If a person makes an access application, power to: (a) consider whether a processing charge or access charge is payable in relation to the application; and				

		(b) before the end of the processing period for the application, give the applicant: (i) a schedule of relevant documents for the applicant unless the applicant waives the requirement; and (ii) a charges estimate notice.				
Agency	36(2)	Power to consult with the applicant with a view to narrowing the application to reduce the applicable charges.				
Agency	36(4)	Power to give the applicant a new charges estimate notice.				
Agency	36(7)	Power to agree to extend the prescribed period.				

Division 3 – Contact with relevant third party

Entity power given to	Section of RTIA	Description	Delegation to the CEO / Date of Resolution	Sub-Delegation to Officers	Date of Sub-Delegation	Limitations and Conditions
Agency	37(1)	Power to give access to a document that contains information the disclosure of which may reasonably be expected to be of concern to a government, agency or person (relevant third party) only after taking steps that are reasonably practicable to: (a) obtain the views of the relevant third party about whether: (i) the document is a document to which this Act does not apply; or (ii) the information is exempt information or contrary to				

		public interest information; and (b) inform the relevant third party that if access is given to the document because of an access application, access may also be given to the document under a disclosure log.				
Agency	37(3)(b)	Power to decide: (i) the document is a document to which this Act does apply; or (ii) the information is not exempt information or contrary to public interest information.				
Agency	37(3)(c)	Power to give prescribed written notice of the decision to the applicant and relevant third party.				
Agency	37(4)	Power to give the applicant written notice when access is no longer deferred under subsection (3)(d).				

Division 4 – Transfers

Entity power given to	Section of RTIA	Description	Delegation to the CEO / Date of Resolution	Sub-Delegation to Officers	Date of Sub-Delegation	Limitations and Conditions
Agency	38(2)	In the specified circumstances, power to transfer an application to another agency.				
Agency	38(2)(b)	Power to consent to the transfer of an application.				

Part 4 – Refusal to deal with application

Entity power given to	Section of RTIA	Description	Delegation to the CEO / Date of Resolution	Sub-Delegation to Officers	Date of Sub-Delegation	Limitations and Conditions
Agency	40(2)	Power to refuse to deal with the application without having identified any or all of the documents.				
Agency	41(1)	Power to consider that the work involved in dealing with an application or all of the applications would substantially and unreasonably divert the resources of agency from their use, and subsequently the power to refuse to deal with an access application, or if there are 2 or more, all of the applications.				
Agency	42(1)(a)	Power to give the applicant a written notice: (i) stating an intention to refuse to deal with the application; and (ii) advising that, for the prescribed consultation period for the notice, the applicant may consult with the agency with a view to making an application in a form that would remove the ground for refusal; and (iii) stating the effect of subsections (2) to (6).				
Agency	42(1)(a)(ii)	Power to consult the applicant with a view to making an application in the form that would remove the ground for refusal.				
Agency	42(6)	Power to agree to a longer prescribed consultation period.				
Agency	43(3)	In the specified circumstances, power to refuse to deal with a later application to the				

		extent it is for access to a document or documents sought under the first application.				
Agency	43(3)(b)(ii)	Power to decide that the application is for a document to which this Act does not apply.				
Agency	43(3)(b)(iii)	Power to decide that the document or documents sought are documents access to which was refused under section 47.				
Agency	43(3)(c)(ii)	Power to decide that the application is for a document to which chapter 3 of the Information Privacy Act does not apply.				

Part 5 – Decision

Entity power given to	Section of RTIA	Description	Delegation to the CEO / Date of Resolution	Sub-Delegation to Officers	Date of Sub-Delegation	Limitations and Conditions
Agency	45(a)	In the specified circumstances, power to make a considered decision: (i) whether access is to be given to the document; and (ii) if the access is to be given – whether any charge must be paid before access is given.				
Agency	45(b)	Power to give the person written notice of the decision under section 54.				
Principal Officer	46(2)	In the specified circumstances, power to give prescribed written notice of the decision to the applicant.	This power does not need to be delegated as it is given directly to the CEO as the Principal Officer under the Act.			
Agency	47(3)	In the specified circumstances, power to refuse access to a document of the agency.				Note that section 30(5) and section 30(6) prevents

						powers under section 47(3)(d) to be delegated to an officer other than the CEO.
Agency	48(1)	For an access application made for a document, power to decide to give access to the document unless disclosure would, on balance, be contrary to the public interest.				
Agency	48(3)	Despite section 48(1), power to decide to give access to all or part of a document.				
Agency	49(1)	For an access application made for a document, power to decide to give access to the document unless disclosure would, on balance, be contrary to the public interest.				
Agency	49(3)	Power to consider on the balance, disclosure of information would be contrary to the public interest.				
Agency	49(5)	Despite section 47(3)(b), power to decide to give access to all or part of a document.				
Agency	50(1)	For an access application made for a document, power to decide to give access to the document unless disclosure would, on balance, be contrary to the public interest.				
Agency	50(4)	Despite section 47(3)(c), power to decide to give access to all of part of a document.				
Agency	51(1)	For an access application made for a document, power to decide to give access to the document unless disclosure would, on balance, be contrary to the public interest.				This section cannot be delegated to an officer other than the CEO, given the operation of section 30(5) and (6).
Agency	51(3)	Despite section 47(3)(d), power to decide to give access to all or part of a document.				This section cannot be delegated to an

						officer other than the CEO, given the operation of section 30(5) and (6).
Agency	52(1)(a)	Power to be satisfied that a document does not exist.				
Agency	52(1)(b)	Power to be satisfied that: (i) the document has been or should be in the agency's possession; and (ii) all reasonable steps have been taken to find the document but the document cannot be found.				
Agency	52(2)	In the specified circumstances, power to consider the document has been kept in, and is retrievable from, the backup system.				
Agency	54(1)	In the specified purposes, power to give a prescribed written notice to an applicant for an access application.				
Agency	55(2)	In the specified circumstances, power to give a prescribed written notice.				

Part 6 – Charging regime

Division 3 – Waiver of charges

Entity power given to	Section of RTIA	Description	Delegation to the CEO / Date of Resolution	Sub-Delegation to Officers	Date of Sub-Delegation	Limitations and Conditions
Agency	64(1)	Power to consider that the likely associated costs to the agency would be more than the likely amount of the charge, and waive a processing or access charge.				
Agency	66(2)	In the specified circumstances, power to decide to waive any processing charge, or access charge for the application.				

Agency	66(3)	Power to give the applicant a prescribed written notice of a decision under subsection (2) before the end of the processing period.				
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Part 7 – Giving access

Division 1 – Giving access to applicant

Entity power given to	Section of RTIA	Description	Delegation to the CEO / Date of Resolution	Sub-Delegation to Officers	Date of Sub-Delegation	Limitations and Conditions
Agency	68(4)	In the specified circumstances, power to refuse access in a particular form and to give in another form.				
Agency	68(8)	Power to give access to a document in another form if agreed to by the applicant.				
Agency	72(1)	In the specified circumstances, power to defer giving access to a document for a reasonable period.				
Agency	72(2)	Power to give the applicant written notice when access is no longer deferred under section 72(1).				
Agency	73(1)	Power to reasonably consider whether information in a document is not relevant to the access application for the document.				
Agency	73(2)	Power to delete irrelevant information from a copy of a document and give access to the document by giving access to a copy of the document with the irrelevant information deleted.				
Agency	73(3)	Power to decide that it is reasonably practicable to give access to the copy.				
Agency	74(2)	In the specified circumstances, power to give access.				

Agency	75(2)	In the specified circumstances, power to give access.				
Agency	75B(2)	In the specified circumstances, power to give access.				
Agency	76(2)	In the specified circumstances, power to consider whether it is consistent with the primary object of the Act to give the applicant, or a person nominated by the applicant and approved by the agency (an intermediary), a summary of the person information on conditions of use or disclosure agreed between the agency and the intermediary, or between the agency, the intermediary and the applicant.				
Agency	76(3)	Power to: (a) consult with the information giver; (b) consult with the other person.				
Agency	77(2)	In the specified circumstances, power to direct that access to the document is to be given instead to an appropriately qualified healthcare professional nominated by the applicant and approved by the agency.				This section cannot be delegated to an officer other than the CEO, given the operation of section 30(5) and (6).

Part 8 – Internal review

Entity power given to	Section of RTIA	Description	Delegation to the CEO / Date of Resolution	Sub-Delegation to Officers	Date of Sub-Delegation	Limitations and Conditions
Agency	83(1)	Power to decide an internal review application.				
Agency	83(2)	Power to notify the applicant of the decision in the circumstances specified.				
Principal Officer	83(3)	Power to give prescribed written notice of the decision to the applicant.	This power does not need to be			

			delegated as it is given directly to the CEO as the Principal Officer under the Act.			
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Part 9 – External review

Division 3 – After application made

Entity power given to	Section of RTIA	Description	Delegation to the CEO / Date of Resolution	Sub-Delegation to Officers	Date of Sub-Delegation	Limitations and Conditions
Agency	93(1)(b)	Power to apply to the commissioner to allow further time to deal with the access application.				

Division 5 – Powers of information commissioner on external review

Entity power given to	Section of RTIA	Description	Delegation to the CEO / Date of Resolution	Sub-Delegation to Officers	Date of Sub-Delegation	Limitations and Conditions
Agency	99(2)	Power to give an additional statement to the commissioner and the applicant, containing further and better particulars of the reasons for the decision.				

Part 10 – Vexatious applicants

Entity power given to	Section of RTIA	Description	Delegation to the CEO / Date of Resolution	Sub-Delegation to Officers	Date of Sub-Delegation	Limitations and Conditions
Agency	114(1)	Power to apply to the information commissioner to request a declaration that a person is a vexatious applicant.				

Part 11 – References of questions of law and appeals

Entity power given to	Section of RTIA	Description	Delegation to the CEO / Date of Resolution	Sub-Delegation to Officers	Date of Sub-Delegation	Limitations and Conditions
Participant in an external review	118(1)	Power to request the commissioner refer a question of law arising on an external review to QCAT.				
Participant in an external review	119(1)	Power to appeal to the appeal tribunal against the decision of the information commissioner on the external review.				

SCHEDULE 4 – Factors for deciding the public interest

Part 4 – Factors favouring nondisclosure in the public interest because of public interest harming disclosure

Entity power given to	Section of RTIA	Description	Delegation to the CEO / Date of Resolution	Sub-Delegation to Officers	Date of Sub-Delegation	Limitations and Conditions
Prescribed entity	1(3)	Power to make an application to the information commissioner to extend the 10 year period if the commissioner considers the extension in the public interest.				

[2019 04 01 - RTIA - Delegation Table]

INSTRUMENT OF SUB-DELEGATION

Torres Strait Island Regional Council
Right to Information Act 2009 ("RTIA")

Under section 259 of the *Local Government Act 2009*, I, **Bruce Ranga**, Chief Executive Officer of **Torres Strait Island Regional Council**, delegate to those positions which are specified in Schedule 1, the exercise of the powers contained in Schedule 2.

These powers must be exercised subject to the limitations contained in Schedule 3.

This Instrument of Sub-Delegation repeals all prior Instruments sub-delegating to the positions specified in Schedule 1 the exercise of the powers contained in Schedule 2.

My authority to make these sub-delegations is conferred by the *Local Government Act 2009* and the resolution of **Torres Strait Island Regional Council** made on **Insert date** to delegate those powers to the Chief Executive Officer.

DATED this _____ day of _____, 2020.

Bruce Ranga
Chief Executive Officer
Torres Strait Island Regional Council

Position: Insert Position
Position Code: Insert Position Code

POWERS SUB-DELEGATED

Right to Information Act 2009 ("RTIA")

CHAPTER 3 – DISCLOSURE BY APPLICATION UNDER THIS ACT

Part 3 – Dealing with application

Division 2 – Preliminary contact with applicant

Entity power given to	Section of RTIA	Description
NOTE	30(1)	Power to deal with all access applications made to a local government as an agency under this Act, is given directly to the Chief Executive Officer as the Council's "principal officer".
Principal Officer	30(2)	The CEO as the Council's Principal Officer has the power to delegate the principal officer powers to deal with an application to another officer of the agency.
Entity	32(1)(b)	Power to decide the application is outside the scope of this Act.
Entity	32(2)	Power to give a prescribed written notice to the applicant of the decision.
Agency	33(2)	Power to inform the person how the application does not comply with the relevant application requirement.
Agency	33(3)	Power to consult with the applicant with a view to making an application in a form complying with all relevant application requirements.
Agency	33(6)	Power to decide the application does not comply with all relevant application requirements and give the applicant prescribed written notice of the decision.
Agency	34(2)	Power to, within 15 business days after the application is received, inform the applicant that: <ul style="list-style-type: none"> (a) the application could have been made under the Information Privacy Act without any application fee or processing charge being payable; and (b) the applicant may either: <ul style="list-style-type: none"> (i) ask for the application to be dealt with under the Information Privacy Act; or (ii) confirm the application as an application under this Act.
Agency	35(1)	In the specified circumstances, power to ask the applicant for a further specified period to consider the application.
Agency	35(3)	In the specified circumstances, power to continue to consider the application and make a considered decision relating to it.
Agency	36(1)	If a person makes an access application, power to: <ul style="list-style-type: none"> (a) consider whether a processing charge or access charge is payable in relation to the application; and (b) before the end of the processing period for the application, give the applicant:

		(i) a schedule of relevant documents for the applicant unless the applicant waives the requirement; and (ii) a charges estimate notice.
Agency	36(2)	Power to consult with the applicant with a view to narrowing the application to reduce the applicable charges.
Agency	36(4)	Power to give the applicant a new charges estimate notice.
Agency	36(7)	Power to agree to extend the prescribed period.

Division 3 – Contact with relevant third party

Entity power given to	Section of RTIA	Description
Agency	37(1)	Power to give access to a document that contains information the disclosure of which may reasonably be expected to be of concern to a government, agency or person (relevant third party) only after taking steps that are reasonably practicable to: <ul style="list-style-type: none"> (a) obtain the views of the relevant third party about whether: <ul style="list-style-type: none"> (i) the document is a document to which this Act does not apply; or (ii) the information is exempt information or contrary to public interest information; and (b) inform the relevant third party that if access is given to the document because of an access application, access may also be given to the document under a disclosure log.
Agency	37(3)(b)	Power to decide: <ul style="list-style-type: none"> (i) the document is a document to which this Act does apply; or (ii) the information is not exempt information or contrary to public interest information.
Agency	37(3)(c)	Power to give prescribed written notice of the decision to the applicant and relevant third party.
Agency	37(4)	Power to give the applicant written notice when access is no longer deferred under subsection (3)(d).

Division 4 – Transfers

Entity power given to	Section of RTIA	Description
Agency	38(2)	In the specified circumstances, power to transfer an application to another agency.
Agency	38(2)(b)	Power to consent to the transfer of an application.

Part 4 – Refusal to deal with application

Entity power given to	Section of RTIA	Description
Agency	40(2)	Power to refuse to deal with the application without having identified any or all of the documents.
Agency	41(1)	Power to consider that the work involved in dealing with an application or all of the applications would substantially and unreasonably divert the resources of agency from their use, and

		subsequently the power to refuse to deal with an access application, or if there are 2 or more, all of the applications.
Agency	42(1)(a)	Power to give the applicant a written notice: (i) stating an intention to refuse to deal with the application; and (ii) advising that, for the prescribed consultation period for the notice, the applicant may consult with the agency with a view to making an application in a form that would remove the ground for refusal; and (iii) stating the effect of subsections (2) to (6).
Agency	42(1)(a)(ii)	Power to consult the applicant with a view to making an application in the form that would remove the ground for refusal.
Agency	42(6)	Power to agree to a longer prescribed consultation period.
Agency	43(3)	In the specified circumstances, power to refuse to deal with a later application to the extent it is for access to a document or documents sought under the first application.
Agency	43(3)(b)(ii)	Power to decide that the application is for a document to which this Act does not apply.
Agency	43(3)(b)(iii)	Power to decide that the document or documents sought are documents access to which was refused under section 47.
Agency	43(3)(c)(ii)	Power to decide that the application is for a document to which chapter 3 of the Information Privacy Act does not apply.

Part 5 – Decision

Entity power given to	Section of RTIA	Description
Agency	45(a)	In the specified circumstances, power to make a considered decision: (i) whether access is to be given to the document; and (ii) if the access is to be given – whether any charge must be paid before access is given.
Agency	45(b)	Power to give the person written notice of the decision under section 54.
Principal Officer	46(2)	In the specified circumstances, power to give prescribed written notice of the decision to the applicant.
Agency	47(3)	In the specified circumstances, power to refuse access to a document of the agency.
Agency	48(1)	For an access application made for a document, power to decide to give access to the document unless disclosure would, on balance, be contrary to the public interest.
Agency	48(3)	Despite section 48(1), power to decide to give access to all or part of a document.
Agency	49(1)	For an access application made for a document, power to decide to give access to the document unless disclosure would, on balance, be contrary to the public interest.
Agency	49(3)	Power to consider on the balance, disclosure of information would be contrary to the public interest.
Agency	49(5)	Despite section 47(3)(b), power to decide to give access to all or part of a document.

Agency	50(1)	For an access application made for a document, power to decide to give access to the document unless disclosure would, on balance, be contrary to the public interest.
Agency	50(4)	Despite section 47(3)(c), power to decide to give access to all or part of a document.
Agency	51(1)	For an access application made for a document, power to decide to give access to the document unless disclosure would, on balance, be contrary to the public interest.
Agency	51(3)	Despite section 47(3)(d), power to decide to give access to all or part of a document.
Agency	52(1)(a)	Power to be satisfied that a document does not exist.
Agency	52(1)(b)	Power to be satisfied that: (i) the document has been or should be in the agency's possession; and (ii) all reasonable steps have been taken to find the document but the document cannot be found.
Agency	52(2)	In the specified circumstances, power to consider the document has been kept in, and is retrievable from, the backup system.
Agency	54(1)	In the specified purposes, power to give a prescribed written notice to an applicant for an access application.
Agency	55(2)	In the specified circumstances, power to give a prescribed written notice.

Part 6 – Charging regime

Division 3 – Waiver of charges

Entity power given to	Section of RTIA	Description
Agency	64(1)	Power to consider that the likely associated costs to the agency would be more than the likely amount of the charge, and waive a processing or access charge.
Agency	66(2)	In the specified circumstances, power to decide to waive any processing charge, or access charge for the application.
Agency	66(3)	Power to give the applicant a prescribed written notice of a decision under subsection (2) before the end of the processing period.

Part 7 – Giving access

Division 1 – Giving access to applicant

Entity power given to	Section of RTIA	Description
Agency	68(4)	In the specified circumstances, power to refuse access in a particular form and to give in another form.
Agency	68(8)	Power to give access to a document in another form if agreed to by the applicant.
Agency	72(1)	In the specified circumstances, power to defer giving access to a document for a reasonable period.
Agency	72(2)	Power to give the applicant written notice when access is no longer deferred under section 72(1).

Agency	73(1)	Power to reasonably consider whether information in a document is not relevant to the access application for the document.
Agency	73(2)	Power to delete irrelevant information from a copy of a document and give access to the document by giving access to a copy of the document with the irrelevant information deleted.
Agency	73(3)	Power to decide that it is reasonably practicable to give access to the copy.
Agency	74(2)	In the specified circumstances, power to give access.
Agency	75(2)	In the specified circumstances, power to give access.
Agency	75B(2)	In the specified circumstances, power to give access.
Agency	76(2)	In the specified circumstances, power to consider whether it is consistent with the primary object of the Act to give the applicant, or a person nominated by the applicant and approved by the agency (an <i>intermediary</i>), a summary of the person information on conditions of use or disclosure agreed between the agency and the intermediary, or between the agency, the intermediary and the applicant.
Agency	76(3)	Power to: (a) consult with the information giver; (b) consult with the other person.
Agency	77(2)	In the specified circumstances, power to direct that access to the document is to be given instead to an appropriately qualified healthcare professional nominated by the applicant and approved by the agency.

Part 8 – Internal review

Entity power given to	Section of RTIA	Description
Agency	83(1)	Power to decide an internal review application.
Agency	83(2)	Power to notify the applicant of the decision in the circumstances specified.
Principal Officer	83(3)	Power to give prescribed written notice of the decision to the applicant.

Part 9 – External review

Division 3 – After application made

Entity power given to	Section of RTIA	Description
Agency	93(1)(b)	Power to apply to the commissioner to allow further time to deal with the access application.

Division 5 – Powers of information commissioner on external review

Entity power given to	Section of RTIA	Description
Agency	99(2)	Power to give an additional statement to the commissioner and the applicant, containing further and better particulars of the reasons for the decision.

Part 10 – Vexatious applicants

Entity power given to	Section of RTIA	Description
Agency	114(1)	Power to apply to the information commissioner to request a declaration that a person is a vexatious applicant.

Part 11 – References of questions of law and appeals

Entity power given to	Section of RTIA	Description
Participant in an external review	118(1)	Power to request the commissioner refer a question of law arising on an external review to QCAT.
Participant in an external review	119(1)	Power to appeal to the appeal tribunal against the decision of the information commissioner on the external review.

SCHEDULE 4 – Factors for deciding the public interest**Part 4 – Factors favouring nondisclosure in the public interest because of public interest harming disclosure**

Entity power given to	Section of RTIA	Description
Prescribed entity	1(3)	Power to make an application to the information commissioner to extend the 10 year period if the commissioner considers the extension in the public interest.

LIMITATIONS TO THE EXERCISE OF POWER

7. Where Council in its budget or by resolution allocates an amount for the expenditure of Council funds in relation to a particular matter, in exercising delegated power in relation to that matter, the delegate will only commit Council to reasonably foreseeable expenditure up to the amount allocated.
8. The delegate will not exercise any delegated power in relation to a matter which, to the delegate's knowledge, adversely affects, or is likely to adversely affect, Council's relations with the public at large.
9. The delegate will not exercise any delegated power contrary to a resolution or other decision of Council (including a policy decision relating to the matter).
10. The delegate will not exercise any delegated power in a manner, or which has the foreseeable effect, of being contrary to an adopted Council policy or procedure.
11. The delegate will only exercise a delegated power under this resolution in a manner which complies with the requirements of Council's Planning Scheme, and any exercise of power which involves a departure from or variation of those requirements will only be undertaken by Council.
12. The delegate will not exercise any delegated power which cannot lawfully be the subject of delegation by Council.

[2019 04 01 - RTIA - Sub-Delegation Instrument]

Conditions imposed on all Delegations

1. Delegated powers must be read in the context of other powers and subject to conditions stipulated therein;
2. Delegated powers must be exercised consistently with the provisions of Local Government Acts or Regulations, Council Policies and Procedure, Local Laws and Subordinate Local Laws;
3. Any decisions must be made within the financial delegation of the delegate;
4. The delegate shall not give Council opinions and if opinions are to be provided, may only provide personal opinions of the delegate, not in an official capacity as an employee of the Council;
5. Delegated powers only apply to the delegate to the extent that they relate to a delegate's scope of duties as particularised in the Position Description pertaining to that delegate, or as otherwise approved in writing by the CEO or by Council Policy;
6. A delegate may not sub-delegate a power provided for in this Register to a subordinate staff member without the express written consent of the Chief Executive Officer or under a Policy or Procedure adopted by Council;
7. Any power that is not delegable under a Local Government Act or Regulation, shall not be delegable under this instrument;
8. All delegations are subject to conditions imposed in the original delegation to CEO contained in the Instrument of Delegations of Local Government;

9. Whilst exercising a power, the delegate may take into account Ailan Kastom (section 9(3) LGA 2009); and
10. All Powers delegated to the Chief Executive Officer in this Instrument shall be subject to prior Council consultation where exercise of such Power in all reasonable likelihood shall:
 -
 - a. impact on land and/or sea; and/or
 - b. involve payment of compensation regarding land; and/or
 - c. require a budget amendment.

INSTRUMENT OF DELEGATION

Torres Strait Island Regional Council ***Tobacco and Other Smoking Products Act 1998 ("TOSP")***

Under section 257 of the *Local Government Act 2009*, Torres Strait Island Regional Council resolves to delegate the exercise of the powers contained in Schedule 1 to the Chief Executive Officer.

These powers must be exercised subject to the limitations contained in Schedule 2.

All prior resolutions delegating the same powers to the Chief Executive Officer are repealed.

Tobacco and Other Smoking Products Act 1998 ("TOSP")**Part 2C – Smoke-free outdoor places****Division 4 – Prohibition on smoking at public transport waiting points and malls by local governments**

Entity power given to	Section of TOSP	Description
Local Government	26ZPC(2)	In the specified circumstances, power to give the Chief Executive information about the local government's administration and enforcement of the local law.

Part 3 – Monitoring and enforcement**Division 1 – Appointment of authorised persons and other matters**

Entity power given to	Section of TOSP	Description
Chief Executive Officer	28(2)	Power to appoint any of the following persons as an authorised person for the local government and its area: (a) an employee of the local government; (b) if another local government consents, an employee of the other local government; or (c) another person under contract to the local government.
Chief Executive Officer	28(3)	Power to join with 1 or more other Chief Executive Officers of other local governments, to appoint an employee of one of the local governments or another person under contract to one of the local governments as an authorised person for the local governments' areas.

LIMITATIONS TO THE EXERCISE OF POWER

1. Where Council in its budget or by resolution allocates an amount for the expenditure of Council funds in relation to a particular matter, in exercising delegated power in relation to that matter, the delegate will only commit Council to reasonably foreseeable expenditure up to the amount allocated.
2. The delegate will not exercise any delegated power in relation to a matter which, to the delegate's knowledge, adversely affects, or is likely to adversely affect, Council's relations with the public at large.
3. The delegate will not exercise any delegated power contrary to a resolution or other decision of Council (including a policy decision relating to the matter).
4. The delegate will not exercise any delegated power in a manner, or which has the foreseeable effect, of being contrary to an adopted Council policy or procedure.
5. The delegate will only exercise a delegated power under this resolution in a manner which complies with the requirements of Council's Planning Scheme, and any exercise of power which involves a departure from or variation of those requirements will only be undertaken by Council.
6. The delegate will not exercise any delegated power which cannot lawfully be the subject of delegation by Council.

[2019 04 01 - TOSP - Delegation Instrument]

Conditions imposed on all Delegations

1. Delegated powers must be read in the context of other powers and subject to conditions stipulated therein;
2. Delegated powers must be exercised consistently with the provisions of Local Government Acts or Regulations, Council Policies and Procedure, Local Laws and Subordinate Local Laws;
3. Any decisions must be made within the financial delegation of the delegate;
4. The delegate shall not give Council opinions and if opinions are to be provided, may only provide personal opinions of the delegate, not in an official capacity as an employee of the Council;
5. Delegated powers only apply to the delegate to the extent that they relate to a delegate's scope of duties as particularised in the Position Description pertaining to that delegate, or as otherwise approved in writing by the CEO or by Council Policy;
6. A delegate may not sub-delegate a power provided for in this Register to a subordinate staff member without the express written consent of the Chief Executive Officer or under a Policy or Procedure adopted by Council;
7. Any power that is not delegable under a Local Government Act or Regulation, shall not be delegable under this instrument;
8. All delegations are subject to conditions imposed in the original delegation to CEO contained in the Instrument of Delegations of Local Government;

9. Whilst exercising a power, the delegate may take into account Ailan Kastom (section 9(3) LGA 2009); and
10. All Powers delegated to the Chief Executive Officer in this Instrument shall be subject to prior Council consultation where exercise of such Power in all reasonable likelihood shall:
 -
 - a. impact on land and/or sea; and/or
 - b. involve payment of compensation regarding land; and/or
 - c. require a budget amendment.

DELEGABLE POWERS UNDER THE TOBACCO AND OTHER SMOKING PRODUCTS ACT 1998 ("TOSP")

Part 2C – Smoke-free outdoor places

Division 4 – Prohibition on smoking at public transport waiting points and malls by local governments

Entity power given to	Section of TOSP	Description	Delegation to the CEO / Date of Resolution	Sub-Delegation to Officers	Date of Sub-Delegation	Limitations and Conditions
Local Government	26ZPC(2)	In the specified circumstances, power to give the Chief Executive information about the local government's administration and enforcement of the local law.				

Part 3 – Monitoring and enforcement

Division 1 – Appointment of authorised persons and other matters

Entity power given to	Section of TOSP	Description	Delegation to the CEO / Date of Resolution	Sub-Delegation to Officers	Date of Sub-Delegation	Limitations and Conditions
Chief Executive Officer	28(2)	Power to appoint any of the following persons as an authorised person for the local government and its area: (a) an employee of the local government;	This power does not need to be delegated as it is given directly to the CEO under the Act.			

		<p>(b) if another local government consents, an employee of the other local government; or</p> <p>(c) another person under contract to the local government.</p>				
Chief Executive Officer	28(3)	Power to join with 1 or more other Chief Executive Officers of other local governments, to appoint an employee of one of the local governments or another person under contract to one of the local governments as an authorised person for the local governments' areas.	This power does not need to be delegated as it is given directly to the CEO under the Act.			

[2019 04 01 - TOSP - Delegation Table]

INSTRUMENT OF SUB-DELEGATION

Torres Strait Island Regional Council
Tobacco and Other Smoking Products Act 1998 ("TOSP")

Under section 259 of the *Local Government Act 2009*, I, **Bruce Ranga**, Chief Executive Officer of **Torres Strait Island Regional Council**, delegate to those positions which are specified in Schedule 1, the exercise of the powers contained in Schedule 2.

These powers must be exercised subject to the limitations contained in Schedule 3.

This Instrument of Sub-Delegation repeals all prior Instruments sub-delegating to the positions specified in Schedule 1 the exercise of the powers contained in Schedule 2.

My authority to make these sub-delegations is conferred by the *Local Government Act 2009* and the resolution of **Torres Strait Island Regional Council** made on **Insert date** to delegate those powers to the Chief Executive Officer.

DATED this _____ day of _____, 2020.

Bruce Ranga
Chief Executive Officer
Torres Strait Island Regional Council

Position: Insert Position
Position Code: Insert Position Code

POWERS SUB-DELEGATED

Tobacco and Other Smoking Products Act 1998 ("TOSP")

Part 2C – Smoke-free outdoor places

Division 4 – Prohibition on smoking at public transport waiting points and malls by local governments

Entity power given to	Section of TOSP	Description
Local Government	26ZPC(2)	In the specified circumstances, power to give the Chief Executive information about the local government's administration and enforcement of the local law.

Part 3 – Monitoring and enforcement

Division 1 – Appointment of authorised persons and other matters

Entity power given to	Section of TOSP	Description
Chief Executive Officer	28(2)	Power to appoint any of the following persons as an authorised person for the local government and its area: (a) an employee of the local government; (b) if another local government consents, an employee of the other local government; or (c) another person under contract to the local government.
Chief Executive Officer	28(3)	Power to join with 1 or more other Chief Executive Officers of other local governments, to appoint an employee of one of the local governments or another person under contract to one of the local governments as an authorised person for the local governments' areas.

LIMITATIONS TO THE EXERCISE OF POWER

1. Where Council in its budget or by resolution allocates an amount for the expenditure of Council funds in relation to a particular matter, in exercising delegated power in relation to that matter, the delegate will only commit Council to reasonably foreseeable expenditure up to the amount allocated.
2. The delegate will not exercise any delegated power in relation to a matter which, to the delegate's knowledge, adversely affects, or is likely to adversely affect, Council's relations with the public at large.
3. The delegate will not exercise any delegated power contrary to a resolution or other decision of Council (including a policy decision relating to the matter).
4. The delegate will not exercise any delegated power in a manner, or which has the foreseeable effect, of being contrary to an adopted Council policy or procedure.
5. The delegate will only exercise a delegated power under this resolution in a manner which complies with the requirements of Council's Planning Scheme, and any exercise of power which involves a departure from or variation of those requirements will only be undertaken by Council.
6. The delegate will not exercise any delegated power which cannot lawfully be the subject of delegation by Council.

[2019 04 01 - TOSP - Sub-Delegation Instrument]

Conditions imposed on all Delegations

1. Delegated powers must be read in the context of other powers and subject to conditions stipulated therein;
2. Delegated powers must be exercised consistently with the provisions of Local Government Acts or Regulations, Council Policies and Procedure, Local Laws and Subordinate Local Laws;
3. Any decisions must be made within the financial delegation of the delegate;
4. The delegate shall not give Council opinions and if opinions are to be provided, may only provide personal opinions of the delegate, not in an official capacity as an employee of the Council;
5. Delegated powers only apply to the delegate to the extent that they relate to a delegate's scope of duties as particularised in the Position Description pertaining to that delegate, or as otherwise approved in writing by the CEO or by Council Policy;
6. A delegate may not sub-delegate a power provided for in this Register to a subordinate staff member without the express written consent of the Chief Executive Officer or under a Policy or Procedure adopted by Council;
7. Any power that is not delegable under a Local Government Act or Regulation, shall not be delegable under this instrument;
8. All delegations are subject to conditions imposed in the original delegation to CEO contained in the Instrument of Delegations of Local Government;

9. Whilst exercising a power, the delegate may take into account Ailan Kastom (section 9(3) LGA 2009); and
10. All Powers delegated to the Chief Executive Officer in this Instrument shall be subject to prior Council consultation where exercise of such Power in all reasonable likelihood shall:
 -
 - a. impact on land and/or sea; and/or
 - b. involve payment of compensation regarding land; and/or
 - c. require a budget amendment.

INSTRUMENT OF DELEGATION

Torres Strait Island Regional Council ***Transport Infrastructure Act 1994 ("TRIA")***

Under section 257 of the *Local Government Act 2009*, Torres Strait Island Regional Council resolves to delegate the exercise of the powers contained in Schedule 1 to the Chief Executive Officer.

These powers must be exercised subject to the limitations contained in Schedule 2.

All prior resolutions delegating the same powers to the Chief Executive Officer are repealed.

Transport Infrastructure Act 1994 ("TRIA")**CHAPTER 6 – ROAD TRANSPORT INFRASTRUCTURE****Part 2 – State-controlled roads****Division 1 – Declaration of state-controlled roads**

Entity power given to	Section of TRIA	Description
Local Government	25(b)	In the specified circumstances, the power to make submissions to the Minister on a proposed declaration, or revocation of a declaration, of a State-controlled road.

Division 2 – Motorways

Entity power given to	Section of TRIA	Description
Local Government	27(3)(b)	In the specified circumstances, the power to make submissions to the Minister on a proposed declaration, or revocation of a declaration, of a State-controlled road as a motorway.

Part 3 – Construction, maintenance and operation

Entity power given to	Section of TRIA	Description
Other Persons	29(1)	Power to enter into an agreement with the Chief Executive for the carrying out of specified works.
Local Government	29(2)	Power to enter into an agreement with the Chief Executive for the carrying out of road works on the local government road.
Local Government	29(3)	Power to enter in a contract with the Chief Executive for the local government to carry out road works.
Local Government	29(4)	Power to contract with the state about the maintenance and operation of a State-controlled road, including arrangements about which powers of the local government are to be exercised by the Chief Executive and which powers are to be exerted by the local government.
Local Government	29(5)	Power to enter into a contract with the Chief Executive for the carrying out of specified works under subsection (1) even though the contract relates to works or operations outside the local government's area.
Person carrying out accommodation works ¹	29(6A)	Power to enter into a contract with the Chief Executive to carry out accommodation works.

¹ Accommodation works means 'temporary or permanent works carried out on, over or under land affected by bus way transport infrastructure, bus way transport infrastructure works, light rail transport infrastructure, light rail transport infrastructure works or road works to:

- (a) minimise the impact of those works or that infrastructure that had on the land;
- (b) restore the land to its former condition, purpose or use; or
- (c) provide safety for the persons who use the land.'

Schedule 6 – Dictionary.

Proposed Temporary Occupier	36(1)(a)	Power to give written notice to the owner or occupier of land and the persons referred to in that subsection.
Proposed Temporary Occupier	36(4)	Power to consider any submissions that are made in response to the notice given.
Proposed Temporary Occupier	36(5)	In the specified circumstances, the power to enter the land and carry out the road works specified in the notice.
Proposed Temporary Occupier	36(6)	In the specified circumstances, the power to notify the owner or occupier of the land orally.

Part 4 – Relationship with local governments

Entity power given to	Section of TRIA	Description
Local Government	41	In the specified circumstances, the power to make financial arrangements with the Chief Executive for improvements to be made to a State-controlled road.
Local Government	42(1)	In the specified circumstances, the power to apply to the Chief Executive for written approval.
Local Government	43(1)	In the specified circumstances, the power to apply to the Chief Executive for written approval where the local government intends to approve the erection, alteration or operation of an advertising sign or other advertising device that would be: <ul style="list-style-type: none"> (a) visible from a motorway; and (b) beyond the boundaries of the motorway; and (c) reasonably likely to create a traffic hazard for the motorway.

Part 5 – Management of State – Controlled roads

Division 2 – Ancillary works and encroachments and roadside facilities

Subdivision 2 – Special arrangements about access

Entity power given to	Section of TRIA	Description
Local Government	55(b)	In the specified circumstances, the power to make submissions to the Chief Executive in relation to proposal to publish a gazette notice to make, amend or revoke a declaration or to make, amend or replace a policy for a limited access road.

Part 8 – Local government tollways

Division 2 – Approval of tollway project

Entity power given to	Section of TRIA	Description
Local Government	105C(1)	In the specified circumstances, the power to ask the Minister for approval for a tollway project.

Division 2A – Local government tollway

Subdivision 1 – Declaration

Entity power given to	Section of TRIA	Description
Local Government	105G(1)	In the specified circumstances, power to ask the Minister to declare a local government tollway for the approved project.
Local Government	105GB(1)	In the specified circumstances, power to ask the Minister the items prescribed in 1(a) to (c) of section 105GB(1).

CHAPTER 7 - ROAD TRANSPORT INFRASTRUCTURE AND OTHER MATTERS

Part 8 – General

Entity power given to	Section of TRIA	Description
Local Government	253(1)	<p>In the specified circumstances, the power to make a request to the Chief Executive for permission to construct, maintain and operate a road on rail corridor land or non-rail corridor land by way of:</p> <ul style="list-style-type: none">(a) a bridge or other structure over a relevant infrastructure on the land; or(b) a bridge or other structure that allows the road to pass under the relevant infrastructure on the land; or(c) a level crossing.

CHAPTER 9 – BUSWAYS AND BUSWAY TRANSPORT INFRASTRUCTURE

Part 2— Chief Executive's functions and powers

Division 1 – Transport infrastructure interaction

Entity power given to	Section of TRIA	Description
Person proposing to enter, occupy or use land under this Part	299(2)	Power to enter, occupy or use the land without the permission of, or notice to, the owner or occupier of the land to perform urgent remedial work to facilitate or maintain the operation of busway transport infrastructure.
Person proposing to enter, occupy or use land under this Part	299(3)	Power to notify the occupier orally or in writing before entering the land.
Person proposing to enter, occupy or use land under this Part	299(4)	In the specified circumstances, the power to obtain written permission in the manner prescribed, or give notice to the occupier before the entry, occupation or use of land.
Person proposing to enter, occupy or use land under this Part	299(7)	Power to consider any submissions made in response to a notice given before carrying out accommodation works.

Part 4 – Management of busway land and busway transport infrastructure
Division 1 – Transport infrastructure interaction

Entity power given to	Section of TRIA	Description
Local Government	307(1)	In the specified circumstances, the power to make a request to the Chief Executive for permission to construct, maintain and operate a road located on busway land, consisting of: (a) a bridge or other structure allowing traffic to pass over the level at which buses use the busway land; or (b) a structure allowing traffic to pass under the level at which buses use the busway land.
Local Government	309(1)	In the specified circumstances, the power to apply to the Chief Executive for written approval where the local government intends to approve the erection, alteration or operation of an advertising sign or other advertising device that would be: (a) visible from a busway; and (b) reasonably likely to create a traffic hazard for the busway.

CHAPTER 10 – LIGHT RAIL AND LIGHT RAIL TRANSPORT INFRASTRUCTURE

Part 4 – Management of light rail and light rail transport infrastructure
Division 1 – Transport infrastructure interaction

Entity power given to	Section of TRIA	Description
Local Government	358(1)	In the specified circumstances, the power to make a request to the Chief Executive for permission to construct, maintain and operate a road located on light rail land, consisting of: (a) a bridge or other structure allowing traffic to pass over the level at which light rail vehicles use the light rail land; or (b) a structure allowing traffic to pass under the level at which light rail vehicles use the light rail land.

CHAPTER 12 – MISCELLANEOUS TRANSPORT INFRASTRUCTURE

Part 2 – Operational licences and approvals for licensees
Division 3 – Approvals for licensees for intersecting areas

Entity power given to	Section of TRIA	Description
Responsible Entity	420(3)	In the specified circumstances, the power to grant or refuse an application for approval by a licensee to construct, maintain, use or operate miscellaneous transport infrastructure stated in the licensee's operational licence across, over or under an intersecting area.
Responsible Entity	421	In the specified circumstances and if an application for approval has been refused, the power to give the applicant a written notice within 14 days after refusing the application stating the specified matters.

Division 4 – Conditions for approvals

Entity power given to	Section of TRIA	Description
Responsible Entity	423(1)	In the specified circumstances and if an approval is granted, the power to impose reasonable conditions for the approval (<i>approval conditions</i>).
Responsible Entity	424	In the specified circumstances and if approval conditions are imposed, the power to give the applicant for the approval written notice within 14 days after imposing the conditions stating the specified matters.

Division 5 – Arbitration of approval conditions

Entity power given to	Section of TRIA	Description
Responsible Entity	426(1)	In the specified circumstances, the power to join with the applicant in appointing an independent arbitrator to resolve the dispute.

LIMITATIONS TO THE EXERCISE OF POWER

1. Where Council in its budget or by resolution allocates an amount for the expenditure of Council funds in relation to a particular matter, in exercising delegated power in relation to that matter, the delegate will only commit Council to reasonably foreseeable expenditure up to the amount allocated.
2. The delegate will not exercise any delegated power in relation to a matter which, to the delegate's knowledge, adversely affects, or is likely to adversely affect, Council's relations with the public at large.
3. The delegate will not exercise any delegated power contrary to a resolution or other decision of Council (including a policy decision relating to the matter).
4. The delegate will not exercise any delegated power in a manner, or which has the foreseeable effect, of being contrary to an adopted Council policy or procedure.
5. The delegate will only exercise a delegated power under this resolution in a manner which complies with the requirements of Council's Planning Scheme, and any exercise of power which involves a departure from or variation of those requirements will only be undertaken by Council.
6. The delegate will not exercise any delegated power which cannot lawfully be the subject of delegation by Council.

[2019 04 11 - TRIA - Delegation Instrument]

Conditions imposed on all Delegations

1. Delegated powers must be read in the context of other powers and subject to conditions stipulated therein;
2. Delegated powers must be exercised consistently with the provisions of Local Government Acts or Regulations, Council Policies and Procedure, Local Laws and Subordinate Local Laws;
3. Any decisions must be made within the financial delegation of the delegate;
4. The delegate shall not give Council opinions and if opinions are to be provided, may only provide personal opinions of the delegate, not in an official capacity as an employee of the Council;
5. Delegated powers only apply to the delegate to the extent that they relate to a delegate's scope of duties as particularised in the Position Description pertaining to that delegate, or as otherwise approved in writing by the CEO or by Council Policy;
6. A delegate may not sub-delegate a power provided for in this Register to a subordinate staff member without the express written consent of the Chief Executive Officer or under a Policy or Procedure adopted by Council;
7. Any power that is not delegable under a Local Government Act or Regulation, shall not be delegable under this instrument;
8. All delegations are subject to conditions imposed in the original delegation to CEO contained in the Instrument of Delegations of Local Government;

9. Whilst exercising a power, the delegate may take into account Ailan Kastom (section 9(3) LGA 2009); and
10. All Powers delegated to the Chief Executive Officer in this Instrument shall be subject to prior Council consultation where exercise of such Power in all reasonable likelihood shall:
 -
 - a. impact on land and/or sea; and/or
 - b. involve payment of compensation regarding land; and/or
 - c. require a budget amendment.

DELEGABLE POWERS UNDER THE TRANSPORT INFRASTRUCTURE ACT 1994 ("TRIA")

CHAPTER 6 – ROAD TRANSPORT INFRASTRUCTURE

Part 2 – State-controlled roads

Division 1 – Declaration of state-controlled roads

Entity power given to	Section of TRIA	Description	Delegation to the CEO / Date of Resolution	Sub-Delegation to Officers	Date of Sub-Delegation	Limitations and Conditions
Local Government	25(b)	In the specified circumstances, the power to make submissions to the Minister on a proposed declaration, or revocation of a declaration, of a State-controlled road.				

Division 2 – Motorways

Entity power given to	Section of TRIA	Description	Delegation to the CEO / Date of Resolution	Sub-Delegation to Officers	Date of Sub-Delegation	Limitations and Conditions
Local Government	27(3)(b)	In the specified circumstances, the power to make submissions to the Minister on a proposed declaration, or revocation of a declaration, of a State-controlled road as a motorway.				

Part 3 – Construction, maintenance and operation

Entity power given to	Section of TRIA	Description	Delegation to the CEO / Date of Resolution	Sub-Delegation to Officers	Date of Sub-Delegation	Limitations and Conditions
Other Persons	29(1)	Power to enter into an agreement with the Chief Executive for the carrying out of specified works.				
Local Government	29(2)	Power to enter into an agreement with the Chief Executive for the carrying out of road works on the local government road.				
Local Government	29(3)	Power to enter in a contract with the Chief Executive for the local government to carry out road works.				
Local Government	29(4)	Power to contract with the state about the maintenance and operation of a State-controlled road, including arrangements about which powers of the local government are to be exercised by the Chief Executive and which powers are to be exerted by the local government.				
Local Government	29(5)	Power to enter into a contract with the Chief Executive for the carrying out of specified works under subsection (1) even though the contract relates to works or operations outside the local government's area.				
Person carrying out	29(6A)	Power to enter into a contract with the Chief Executive to carry out accommodation works.				

accommodation works ²						
Proposed Temporary Occupier	36(1)(a)	Power to give written notice to the owner or occupier of land and the persons referred to in that subsection.				
Proposed Temporary Occupier	36(4)	Power to consider any submissions that are made in response to the notice given.				
Proposed Temporary Occupier	36(5)	In the specified circumstances, the power to enter the land and carry out the road works specified in the notice.				
Proposed Temporary Occupier	36(6)	In the specified circumstances, the power to notify the owner or occupier of the land orally.				

Part 4 – Relationship with local governments

Entity power given to	Section of TRIA	Description	Delegation to the CEO / Date of Resolution	Sub-Delegation to Officers	Date of Sub-Delegation	Limitations and Conditions
Local Government	41	In the specified circumstances, the power to make financial arrangements with the Chief Executive for improvements to be made to a State-controlled road.				
Local Government	42(1)	In the specified circumstances, the power to apply to the Chief Executive for written approval.				

² Accommodation works means 'temporary or permanent works carried out on, over or under land affected by bus way transport infrastructure, bus way transport infrastructure works, light rail transport infrastructure, light rail transport infrastructure works or road works to:

- (a) minimise the impact of those works or that infrastructure that had on the land;
- (b) restore the land to its former condition, purpose or use; or
- (c) provide safety for the persons who use the land.'

Schedule 6 – Dictionary.

Local Government	43(1)	<p>In the specified circumstances, the power to apply to the Chief Executive for written approval where the local government intends to approve the erection, alteration or operation of an advertising sign or other advertising device that would be:</p> <ul style="list-style-type: none"> (a) visible from a motorway; and (b) beyond the boundaries of the motorway; and (c) reasonably likely to create a traffic hazard for the motorway. 				
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Part 5 – Management of State – Controlled roads

Division 2 – Ancillary works and encroachments and roadside facilities

Subdivision 2 – Special arrangements about access

Entity power given to	Section of TRIA	Description	Delegation to the CEO / Date of Resolution	Sub-Delegation to Officers	Date of Sub-Delegation	Limitations and Conditions
Local Government	55(b)	In the specified circumstances, the power to make submissions to the Chief Executive in relation to proposal to publish a gazette notice to make, amend or revoke a declaration or to make, amend or replace a policy for a limited access road.				

Part 8 – Local government tollways

Division 2 – Approval of tollway project

Entity power given to	Section of TRIA	Description	Delegation to the CEO / Date of Resolution	Sub-Delegation to Officers	Date of Sub-Delegation	Limitations and Conditions
Local Government	105C(1)	In the specified circumstances, the power to ask the Minister for approval for a tollway project.				

Division 2A – Local government tollway

Subdivision 1 – Declaration

Entity power given to	Section of TRIA	Description	Delegation to the CEO / Date of Resolution	Sub-Delegation to Officers	Date of Sub-Delegation	Limitations and Conditions
Local Government	105G(1)	In the specified circumstances, power to ask the Minister to declare a local government tollway for the approved project.				
Local Government	105GB(1)	In the specified circumstances, power to ask the Minister the items prescribed in 1(a) to (c) of section 105GB(1).				

CHAPTER 7 - ROAD TRANSPORT INFRASTRUCTURE AND OTHER MATTERS

Part 8 – General

Entity power given to	Section of TRIA	Description	Delegation to the CEO / Date of Resolution	Sub-Delegation to Officers	Date of Sub-Delegation	Limitations and Conditions
Local Government	253(1)	In the specified circumstances, the power to make a request to the Chief Executive for permission to construct, maintain and	N/A			

		<p>operate a road on rail corridor land or non-rail corridor land by way of:</p> <p>(a) a bridge or other structure over a relevant infrastructure on the land; or</p> <p>(b) a bridge or other structure that allows the road to pass under the relevant infrastructure on the land; or</p> <p>(c) a level crossing.</p>				
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CHAPTER 9 – BUSWAYS AND BUSWAY TRANSPORT INFRASTRUCTURE

Part 2— Chief Executive's functions and powers

Division 1 – Transport infrastructure interaction

Entity power given to	Section of TRIA	Description	Delegation to the CEO / Date of Resolution	Sub-Delegation to Officers	Date of Sub-Delegation	Limitations and Conditions
Person proposing to enter, occupy or use land under this Part	299(2)	Power to enter, occupy or use the land without the permission of, or notice to, the owner or occupier of the land to perform urgent remedial work to facilitate or maintain the operation of busway transport infrastructure.				
Person proposing to enter, occupy or use land under this Part	299(3)	Power to notify the occupier orally or in writing before entering the land.				
Person proposing to enter, occupy or use land	299(4)	In the specified circumstances, the power to obtain written permission in the manner prescribed, or give notice to the occupier before the entry, occupation or use of land.				

under this Part						
Person proposing to enter, occupy or use land under this Part	299(7)	Power to consider any submissions made in response to a notice given before carrying out accommodation works.				

Part 4 – Management of busway land and busway transport infrastructure

Division 1 – Transport infrastructure interaction

Entity power given to	Section of TRIA	Description	Delegation to the CEO / Date of Resolution	Sub-Delegation to Officers	Date of Sub-Delegation	Limitations and Conditions
Local Government	307(1)	In the specified circumstances, the power to make a request to the Chief Executive for permission to construct, maintain and operate a road located on busway land, consisting of: (a) a bridge or other structure allowing traffic to pass over the level at which buses use the busway land; or (b) a structure allowing traffic to pass under the level at which buses use the busway land.	N/A			
Local Government	309(1)	In the specified circumstances, the power to apply to the Chief Executive for written approval where the local government intends to approve the erection, alteration or operation of an advertising sign or other advertising device that would be: (a) visible from a busway; and	N/A			

		(b) reasonably likely to create a traffic hazard for the busway.				
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CHAPTER 10 – LIGHT RAIL AND LIGHT RAIL TRANSPORT INFRASTRUCTURE

Part 4 – Management of light rail and light rail transport infrastructure

Division 1 – Transport infrastructure interaction

Entity power given to	Section of TRIA	Description	Delegation to the CEO / Date of Resolution	Sub-Delegation to Officers	Date of Sub-Delegation	Limitations and Conditions
Local Government	358(1)	<p>In the specified circumstances, the power to make a request to the Chief Executive for permission to construct, maintain and operate a road located on light rail land, consisting of:</p> <p>(a) a bridge or other structure allowing traffic to pass over the level at which light rail vehicles use the light rail land; or</p> <p>(b) a structure allowing traffic to pass under the level at which light rail vehicles use the light rail land.</p>	N/A			

CHAPTER 12 – MISCELLANEOUS TRANSPORT INFRASTRUCTURE

Part 2 – Operational licences and approvals for licensees

Division 3 – Approvals for licensees for intersecting areas

Entity power given to	Section of TRIA	Description	Delegation to the CEO / Date of Resolution	Sub-Delegation to Officers	Date of Sub-Delegation	Limitations and Conditions
Responsible Entity	420(3)	In the specified circumstances, the power to grant or refuse an application for approval by a licensee to construct, maintain, use or operate miscellaneous transport infrastructure stated in the licensee's operational licence across, over or under an intersecting area.				
Responsible Entity	421	In the specified circumstances and if an application for approval has been refused, the power to give the applicant a written notice within 14 days after refusing the application stating the specified matters.				

Division 4 – Conditions for approvals

Entity power given to	Section of TRIA	Description	Delegation to the CEO / Date of Resolution	Sub-Delegation to Officers	Date of Sub-Delegation	Limitations and Conditions
Responsible Entity	423(1)	In the specified circumstances and if an approval is granted, the power to impose reasonable conditions for the approval (approval conditions).				
Responsible Entity	424	In the specified circumstances and if approval conditions are imposed, the power to give the applicant for the approval written				

		notice within 14 days after imposing the conditions stating the specified matters.				
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Division 5 – Arbitration of approval conditions

Entity power given to	Section of TRIA	Description	Delegation to the CEO / Date of Resolution	Sub-Delegation to Officers	Date of Sub-Delegation	Limitations and Conditions
Responsible Entity	426(1)	In the specified circumstances, the power to join with the applicant in appointing an independent arbitrator to resolve the dispute.				

[2019 04 11 - TRIA - Delegation Table]

INSTRUMENT OF SUB-DELEGATION

Torres Strait Island Regional Council
Transport Infrastructure Act 1994 ("TRIA")

Under section 259 of the *Local Government Act 2009*, I, **Bruce Ranga**, Chief Executive Officer of **Torres Strait Island Regional Council**, delegate to those positions which are specified in Schedule 1, the exercise of the powers contained in Schedule 2.

These powers must be exercised subject to the limitations contained in Schedule 3.

This Instrument of Sub-Delegation repeals all prior Instruments sub-delegating to the positions specified in Schedule 1 the exercise of the powers contained in Schedule 2.

My authority to make these sub-delegations is conferred by the *Local Government Act 2009* and the resolution of **Torres Strait Island Regional Council** made on **Insert date** to delegate those powers to the Chief Executive Officer.

DATED this _____ day of _____ 2020.

Bruce Ranga
Chief Executive Officer
Torres Strait Island Regional Council

Position: Insert Position
Position Code: Insert Position Code

POWERS SUB-DELEGATED

Transport Infrastructure Act 1994 ("TRIA")

CHAPTER 6 – ROAD TRANSPORT INFRASTRUCTURE

Part 2 – State-controlled roads

Division 1 – Declaration of state-controlled roads

Entity power given to	Section of TRIA	Description
Local Government	25(b)	In the specified circumstances, the power to make submissions to the Minister on a proposed declaration, or revocation of a declaration, of a State-controlled road.

Division 2 – Motorways

Entity power given to	Section of TRIA	Description
Local Government	27(3)(b)	In the specified circumstances, the power to make submissions to the Minister on a proposed declaration, or revocation of a declaration, of a State-controlled road as a motorway.

Part 3 – Construction, maintenance and operation

Entity power given to	Section of TRIA	Description
Other Persons	29(1)	Power to enter into an agreement with the Chief Executive for the carrying out of specified works.
Local Government	29(2)	Power to enter into an agreement with the Chief Executive for the carrying out of road works on the local government road.
Local Government	29(3)	Power to enter in a contract with the Chief Executive for the local government to carry out road works.
Local Government	29(4)	Power to contract with the state about the maintenance and operation of a State-controlled road, including arrangements about which powers of the local government are to be exercised by the Chief Executive and which powers are to be exerted by the local government.
Local Government	29(5)	Power to enter into a contract with the Chief Executive for the carrying out of specified works under subsection (1) even though the contract relates to works or operations outside the local government's area.

Person carrying out accommodation works ³	29(6A)	Power to enter into a contract with the Chief Executive to carry out accommodation works.
Proposed Temporary Occupier	36(1)(a)	Power to give written notice to the owner or occupier of land and the persons referred to in that subsection.
Proposed Temporary Occupier	36(4)	Power to consider any submissions that are made in response to the notice given.
Proposed Temporary Occupier	36(5)	In the specified circumstances, the power to enter the land and carry out the road works specified in the notice.
Proposed Temporary Occupier	36(6)	In the specified circumstances, the power to notify the owner or occupier of the land orally.

Part 4 – Relationship with local governments

Entity power given to	Section of TRIA	Description
Local Government	41	In the specified circumstances, the power to make financial arrangements with the Chief Executive for improvements to be made to a State-controlled road.
Local Government	42(1)	In the specified circumstances, the power to apply to the Chief Executive for written approval.
Local Government	43(1)	In the specified circumstances, the power to apply to the Chief Executive for written approval where the local government intends to approve the erection, alteration or operation of an advertising sign or other advertising device that would be: <ul style="list-style-type: none"> (a) visible from a motorway; and (b) beyond the boundaries of the motorway; and (c) reasonably likely to create a traffic hazard for the motorway.

Part 5 – Management of State – Controlled roads

Division 2 – Ancillary works and encroachments and roadside facilities

Subdivision 2 – Special arrangements about access

Entity power given to	Section of TRIA	Description
Local Government	55(b)	In the specified circumstances, the power to make submissions to the Chief Executive in relation to proposal to publish a gazette notice to make, amend or revoke a declaration or to make, amend or replace a policy for a limited access road.

³ Accommodation works means 'temporary or permanent works carried out on, over or under land affected by bus way transport infrastructure, bus way transport infrastructure works, light rail transport infrastructure, light rail transport infrastructure works or road works to:

- (a) minimise the impact of those works or that infrastructure that had on the land;
- (b) restore the land to its former condition, purpose or use; or
- (c) provide safety for the persons who use the land.'

Schedule 6 – Dictionary.

Part 8 – Local government tollways

Division 2 – Approval of tollway project

Entity power given to	Section of TRIA	Description
Local Government	105C(1)	In the specified circumstances, the power to ask the Minister for approval for a tollway project.

Division 2A – Local government tollway

Subdivision 1 – Declaration

Entity power given to	Section of TRIA	Description
Local Government	105G(1)	In the specified circumstances, power to ask the Minister to declare a local government tollway for the approved project.
Local Government	105GB(1)	In the specified circumstances, power to ask the Minister the items prescribed in 1(a) to (c) of section 105GB(1).

CHAPTER 7 - ROAD TRANSPORT INFRASTRUCTURE AND OTHER MATTERS

Part 8 – General

Entity power given to	Section of TRIA	Description
Local Government	253(1)	In the specified circumstances, the power to make a request to the Chief Executive for permission to construct, maintain and operate a road on rail corridor land or non-rail corridor land by way of: (a) a bridge or other structure over a relevant infrastructure on the land; or (b) a bridge or other structure that allows the road to pass under the relevant infrastructure on the land; or (c) a level crossing.

CHAPTER 9 – BUSWAYS AND BUSWAY TRANSPORT INFRASTRUCTURE

Part 2— Chief Executive's functions and powers

Division 1 – Transport infrastructure interaction

Entity power given to	Section of TRIA	Description
Person proposing to enter, occupy or use land under this Part	299(2)	Power to enter, occupy or use the land without the permission of, or notice to, the owner or occupier of the land to perform urgent remedial work to facilitate or maintain the operation of busway transport infrastructure.
Person proposing to enter, occupy or use land under this Part	299(3)	Power to notify the occupier orally or in writing before entering the land.
Person proposing to enter, occupy or use land under this Part	299(4)	In the specified circumstances, the power to obtain written permission in the manner prescribed, or give notice to the occupier before the entry, occupation or use of land.

Person proposing to enter, occupy or use land under this Part	299(7)	Power to consider any submissions made in response to a notice given before carrying out accommodation works.
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Part 4 – Management of busway land and busway transport infrastructure
Division 1 – Transport infrastructure interaction

Entity power given to	Section of TRIA	Description
Local Government	307(1)	In the specified circumstances, the power to make a request to the Chief Executive for permission to construct, maintain and operate a road located on busway land, consisting of: (a) a bridge or other structure allowing traffic to pass over the level at which buses use the busway land; or (b) a structure allowing traffic to pass under the level at which buses use the busway land.
Local Government	309(1)	In the specified circumstances, the power to apply to the Chief Executive for written approval where the local government intends to approve the erection, alteration or operation of an advertising sign or other advertising device that would be: (a) visible from a busway; and (b) reasonably likely to create a traffic hazard for the busway.

CHAPTER 10 – LIGHT RAIL AND LIGHT RAIL TRANSPORT INFRASTRUCTURE

Part 4 – Management of light rail and light rail transport infrastructure
Division 1 – Transport infrastructure interaction

Entity power given to	Section of TRIA	Description
Local Government	358(1)	In the specified circumstances, the power to make a request to the Chief Executive for permission to construct, maintain and operate a road located on light rail land, consisting of: (a) a bridge or other structure allowing traffic to pass over the level at which light rail vehicles use the light rail land; or (b) a structure allowing traffic to pass under the level at which light rail vehicles use the light rail land.

CHAPTER 12 – MISCELLANEOUS TRANSPORT INFRASTRUCTURE

Part 2 – Operational licences and approvals for licensees
Division 3 – Approvals for licensees for intersecting areas

Entity power given to	Section of TRIA	Description
Responsible Entity	420(3)	In the specified circumstances, the power to grant or refuse an application for approval by a licensee to construct, maintain, use or operate miscellaneous transport infrastructure stated in the licensee's operational licence across, over or under an intersecting area.

Responsible Entity	421	In the specified circumstances and if an application for approval has been refused, the power to give the applicant a written notice within 14 days after refusing the application stating the specified matters.
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Division 4 – Conditions for approvals

Entity power given to	Section of TRIA	Description
Responsible Entity	423(1)	In the specified circumstances and if an approval is granted, the power to impose reasonable conditions for the approval (<i>approval conditions</i>).
Responsible Entity	424	In the specified circumstances and if approval conditions are imposed, the power to give the applicant for the approval written notice within 14 days after imposing the conditions stating the specified matters.

Division 5 – Arbitration of approval conditions

Entity power given to	Section of TRIA	Description
Responsible Entity	426(1)	In the specified circumstances, the power to join with the applicant in appointing an independent arbitrator to resolve the dispute.

LIMITATIONS TO THE EXERCISE OF POWER

1. Where Council in its budget or by resolution allocates an amount for the expenditure of Council funds in relation to a particular matter, in exercising delegated power in relation to that matter, the delegate will only commit Council to reasonably foreseeable expenditure up to the amount allocated.
2. The delegate will not exercise any delegated power in relation to a matter which, to the delegate's knowledge, adversely affects, or is likely to adversely affect, Council's relations with the public at large.
3. The delegate will not exercise any delegated power contrary to a resolution or other decision of Council (including a policy decision relating to the matter).
4. The delegate will not exercise any delegated power in a manner, or which has the foreseeable effect, of being contrary to an adopted Council policy or procedure.
5. The delegate will only exercise a delegated power under this resolution in a manner which complies with the requirements of Council's Planning Scheme, and any exercise of power which involves a departure from or variation of those requirements will only be undertaken by Council.
6. The delegate will not exercise any delegated power which cannot lawfully be the subject of delegation by Council.

[2019 04 11 - TRIA - Sub-Delegation Instrument]

Conditions imposed on all Delegations

1. Delegated powers must be read in the context of other powers and subject to conditions stipulated therein;
2. Delegated powers must be exercised consistently with the provisions of Local Government Acts or Regulations, Council Policies and Procedure, Local Laws and Subordinate Local Laws;
3. Any decisions must be made within the financial delegation of the delegate;
4. The delegate shall not give Council opinions and if opinions are to be provided, may only provide personal opinions of the delegate, not in an official capacity as an employee of the Council;
5. Delegated powers only apply to the delegate to the extent that they relate to a delegate's scope of duties as particularised in the Position Description pertaining to that delegate, or as otherwise approved in writing by the CEO or by Council Policy;
6. A delegate may not sub-delegate a power provided for in this Register to a subordinate staff member without the express written consent of the Chief Executive Officer or under a Policy or Procedure adopted by Council;
7. Any power that is not delegable under a Local Government Act or Regulation, shall not be delegable under this instrument;
8. All delegations are subject to conditions imposed in the original delegation to CEO contained in the Instrument of Delegations of Local Government;

9. Whilst exercising a power, the delegate may take into account Ailan Kastom (section 9(3) LGA 2009); and
10. All Powers delegated to the Chief Executive Officer in this Instrument shall be subject to prior Council consultation where exercise of such Power in all reasonable likelihood shall:
 -
 - a. impact on land and/or sea; and/or
 - b. involve payment of compensation regarding land; and/or
 - c. require a budget amendment.

INSTRUMENT OF DELEGATION

Torres Strait Island Regional Council ***Water Regulation 2016 ("WATR")***

Under section 257 of the *Local Government Act 2009*, Torres Strait Island Regional Council resolves to delegate the exercise of the powers contained in Schedule 1 to the Chief Executive Officer.

These powers must be exercised subject to the limitations contained in Schedule 2.

All prior resolutions delegating the same powers to the Chief Executive Officer are repealed.

Water Regulation 2016 ("WATR")**Part 4 – Matters relating to water licenses****Division 3 – Transfer, amendment or amalgamation of water licenses – Act, section 126****Subdivision 2 – Process for dealing with application**

Entity power given to	Section of WATR	Description
Person	34(1)	Power to apply to the Chief Executive for a transfer, amendment or amalgamation of an original license.
Holder of original license	34(3)(b)(i)	Power to give a statutory declaration in the manner required.
An interested entity	34(3)(b)(ii)	Power to give written consent to proposed transfer, amendment or amalgamation.
Applicant	37(2)	Power to give the Chief Executive notice in the approved form (a transfer notice).

Part 5 – Water allocation**Division 2 – Seasonal water assignments****Subdivision 1 – Seasonal water assignments for water allocations not managed under resource operations licence**

Entity power given to	Section of WATR	Description
Holder of a Water Allocation	58(1)	Power to apply to the Chief Executive for a seasonal water assignment for the water allocation for the water year, or a shorter period prescribed by a water management protocol in which the application is made.
Holder of a Seasonal Water Assignment Notice for a Water Allocation	58(2)	Power to apply to the Chief Executive for a seasonal water assignment for the seasonal water assignment notice for the water year, or a shorter period prescribed by a water management protocol in which the application is made.

Subdivision 2 – Seasonal water assignments for water allocations managed under resource operations licence

Holder of a Water Allocation	61(2)	In certain circumstances, power to enter into an arrangement for a seasonal water assignment in relation to the allocation.
Holder of a Resource Operations Licence	61(2)(a)	Power to consent to the arrangement for a seasonal water assignment.
Distribution Operations Licence Holder	61(2)(b)	Power to consent to the arrangement for a seasonal water assignment

Division 3 – Water allocation dealing rules applying to the whole of the State

Subdivision 2 – Process for applying for and deciding particular water allocation dealings

Entity power given to	Section of WATR	Description
Applicant for a water allocation	63	Power to apply for a water allocation in the approved form.

Part 11 – Metering

Division 3 – Validation of meters

Entity power given to	Section of WATR	Description
Relevant Person	110A	Power to give the Chief Executive a written notice stating the meter is a faulty meter and information about water taken through the works.

Division 4 – Reading meters

Entity power given to	Section of WATR	Description
Relevant Person	113(1)(a)	Power to give a notice to the Chief Executive of the reading of the meter.
Relevant Person	113(1)(b)	Power to give a notice to the Chief Executive of the reading of the meter and notify the Chief Executive about whether or not the meter is a faulty meter.
Holder of the metered entitlement	114(a)	Power to make an application to the Chief Executive to read a meter.
Owner of the works	114(b)	Power to give the Chief Executive notice that the owner has decided to stop using the works.

Division 6 – Ownership

Entity power given to	Section of WATR	Description
Holder or Owner	119(3)	Power to give written notice to the Chief Executive of refusal to accept the transfer.

LIMITATIONS TO THE EXERCISE OF POWER

1. Where Council in its budget or by resolution allocates an amount for the expenditure of Council funds in relation to a particular matter, in exercising delegated power in relation to that matter, the delegate will only commit Council to reasonably foreseeable expenditure up to the amount allocated.
2. The delegate will not exercise any delegated power in relation to a matter which, to the delegate's knowledge, adversely affects, or is likely to adversely affect, Council's relations with the public at large.
3. The delegate will not exercise any delegated power contrary to a resolution or other decision of Council (including a policy decision relating to the matter).
4. The delegate will not exercise any delegated power in a manner, or which has the foreseeable effect, of being contrary to an adopted Council policy or procedure.
5. The delegate will only exercise a delegated power under this resolution in a manner which complies with the requirements of Council's Planning Scheme, and any exercise of power which involves a departure from or variation of those requirements will only be undertaken by Council.
6. The delegate will not exercise any delegated power which cannot lawfully be the subject of delegation by Council.

[2020 04 24 - WATR - Delegation Instrument]

Conditions imposed on all Delegations

1. Delegated powers must be read in the context of other powers and subject to conditions stipulated therein;
2. Delegated powers must be exercised consistently with the provisions of Local Government Acts or Regulations, Council Policies and Procedure, Local Laws and Subordinate Local Laws;
3. Any decisions must be made within the financial delegation of the delegate;
4. The delegate shall not give Council opinions and if opinions are to be provided, may only provide personal opinions of the delegate, not in an official capacity as an employee of the Council;
5. Delegated powers only apply to the delegate to the extent that they relate to a delegate's scope of duties as particularised in the Position Description pertaining to that delegate, or as otherwise approved in writing by the CEO or by Council Policy;
6. A delegate may not sub-delegate a power provided for in this Register to a subordinate staff member without the express written consent of the Chief Executive Officer or under a Policy or Procedure adopted by Council;
7. Any power that is not delegable under a Local Government Act or Regulation, shall not be delegable under this instrument;
8. All delegations are subject to conditions imposed in the original delegation to CEO contained in the Instrument of Delegations of Local Government;

9. Whilst exercising a power, the delegate may take into account Ailan Kastom (section 9(3) LGA 2009); and
10. All Powers delegated to the Chief Executive Officer in this Instrument shall be subject to prior Council consultation where exercise of such Power in all reasonable likelihood shall:
 -
 - a. impact on land and/or sea; and/or
 - b. involve payment of compensation regarding land; and/or
 - c. require a budget amendment.

DELEGABLE POWERS UNDER THE WATER REGULATION 2016 ("WATR")

Part 4 – Matters relating to water licenses

Division 3 – Transfer, amendment or amalgamation of water licenses – Act, section 126

Subdivision 2 – Process for dealing with application

Entity power given to	Section of WATR	Description	Delegation to the CEO / Date of Resolution	Sub-Delegation to Officers	Date of Sub-Delegation	Limitations and Conditions
Person	34(1)	Power to apply to the Chief Executive for a transfer, amendment or amalgamation of an original license.				
Holder of original license	34(3)(b)(i)	Power to give a statutory declaration in the manner required.				
An interested entity	34(3)(b)(ii)	Power to give written consent to proposed transfer, amendment or amalgamation.				
Applicant	37(2)	Power to give the Chief Executive notice in the approved form (a transfer notice).				

Part 5 – Water allocation

Division 2 – Seasonal water assignments

Subdivision 1 – Seasonal water assignments for water allocations not managed under resource operations licence

Entity power given to	Section of WATR	Description	Delegation to the CEO / Date of Resolution	Sub-Delegation to Officers	Date of Sub-Delegation	Limitations and Conditions
Holder of a Water Allocation	58(1)	Power to apply to the Chief Executive for a seasonal water assignment for the water allocation for the water year, or a shorter period prescribed by a water management protocol in which the application is made.				
Holder of a Seasonal Water Assignment Notice for a Water Allocation	58(2)	Power to apply to the Chief Executive for a seasonal water assignment for the seasonal water assignment notice for the water year, or a shorter period prescribed by a water management protocol in which the application is made.				

Subdivision 2 – Seasonal water assignments for water allocations managed under resource operations licence

Holder of a Water Allocation	61(2)	In certain circumstances, power to enter into an arrangement for a seasonal water assignment in relation to the allocation.				
Holder of a Resource Operations Licence	61(2)(a)	Power to consent to the arrangement for a seasonal water assignment.				
Distribution Operations	61(2)(b)	Power to consent to the arrangement for a seasonal water assignment				

Licence Holder						
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**Division 3 – Water allocation dealing rules
applying to the whole of the State**

***Subdivision 2 – Process for applying for and
deciding particular water allocation dealings***

Entity power given to	Section of WATR	Description	Delegation to the CEO / Date of Resolution	Sub-Delegation to Officers	Date of Sub-Delegation	Limitations and Conditions
Applicant for a water allocation	63	Power to apply for a water allocation in the approved form.				

Part 11 – Metering

Division 3 – Validation of meters

Entity power given to	Section of WATR	Description	Delegation to the CEO / Date of Resolution	Sub-Delegation to Officers	Date of Sub-Delegation	Limitations and Conditions
Relevant Person	110A	Power to give the Chief Executive a written notice stating the meter is a faulty meter and information about water taken through the works.				

Division 4 – Reading meters

Entity power given to	Section of WATR	Description	Delegation to the CEO / Date of Resolution	Sub-Delegation to Officers	Date of Sub-Delegation	Limitations and Conditions
Relevant Person	113(1)(a)	Power to give a notice to the Chief Executive of the reading of the meter.				
Relevant Person	113(1)(b)	Power to give a notice to the Chief Executive of the reading of the meter and notify the				

		Chief Executive about whether or not the meter is a faulty meter.				
Holder of the metered entitlement	114(a)	Power to make an application to the Chief Executive to read a meter.				
Owner of the works	114(b)	Power to give the Chief Executive notice that the owner has decided to stop using the works.				

Division 6 – Ownership

Entity power given to	Section of WATR	Description	Delegation to the CEO / Date of Resolution	Sub-Delegation to Officers	Date of Sub-Delegation	Limitations and Conditions
Holder or Owner	119(3)	Power to give written notice to the Chief Executive of refusal to accept the transfer.				

[2020 04 24 - WATR - Delegation Table]

INSTRUMENT OF SUB-DELEGATION

Torres Strait Island Regional Council
Water Regulation 2016 ("WATR")

Under section 259 of the *Local Government Act 2009*, I, **Bruce Ranga**, Chief Executive Officer of **Torres Strait Island Regional Council**, delegate to those positions which are specified in Schedule 1, the exercise of the powers contained in Schedule 2.

These powers must be exercised subject to the limitations contained in Schedule 3.

This Instrument of Sub-Delegation repeals all prior Instruments sub-delegating to the positions specified in Schedule 1 the exercise of the powers contained in Schedule 2.

My authority to make these sub-delegations is conferred by the *Local Government Act 2009* and the resolution of **Torres Strait Island Regional Council** made on **Insert date** to delegate those powers to the Chief Executive Officer.

DATED this day of 2020.

Bruce Ranga
Chief Executive Officer
Torres Strait Island Regional Council

Position: Insert Position
Position Code: Insert Position Code

POWERS SUB-DELEGATED

Water Regulation 2016 ("WATR")

Part 4 – Matters relating to water licenses

Division 3 – Transfer, amendment or amalgamation of water licenses – Act, section 126

Subdivision 2 – Process for dealing with application

Entity power given to	Section of WATR	Description
Person	34(1)	Power to apply to the Chief Executive for a transfer, amendment or amalgamation of an original license.
Holder of original license	34(3)(b)(i)	Power to give a statutory declaration in the manner required.
An interested entity	34(3)(b)(ii)	Power to give written consent to proposed transfer, amendment or amalgamation.
Applicant	37(2)	Power to give the Chief Executive notice in the approved form (a transfer notice).

Part 5 – Water allocation

Division 2 – Seasonal water assignments

Subdivision 1 – Seasonal water assignments for water allocations not managed under resource operations licence

Entity power given to	Section of WATR	Description
Holder of a Water Allocation	58(1)	Power to apply to the Chief Executive for a seasonal water assignment for the water allocation for the water year, or a shorter period prescribed by a water management protocol in which the application is made.
Holder of a Seasonal Water Assignment Notice for a Water Allocation	58(2)	Power to apply to the Chief Executive for a seasonal water assignment for the seasonal water assignment notice for the water year, or a shorter period prescribed by a water management protocol in which the application is made.

Subdivision 2 – Seasonal water assignments for water allocations managed under resource operations licence

Holder of a Water Allocation	61(2)	In certain circumstances, power to enter into an arrangement for a seasonal water assignment in relation to the allocation.
Holder of a Resource Operations Licence	61(2)(a)	Power to consent to the arrangement for a seasonal water assignment.
Distribution Operations Licence Holder	61(2)(b)	Power to consent to the arrangement for a seasonal water assignment

Division 3 – Water allocation dealing rules applying to the whole of the State

Subdivision 2 – Process for applying for and deciding particular water allocation dealings

Entity power given to	Section of WATR	Description
Applicant for a water allocation	63	Power to apply for a water allocation in the approved form.

Part 11 – Metering

Division 3 – Validation of meters

Entity power given to	Section of WATR	Description
Relevant Person	110A	Power to give the Chief Executive a written notice stating the meter is a faulty meter and information about water taken through the works.

Division 4 – Reading meters

Entity power given to	Section of WATR	Description
Relevant Person	113(1)(a)	Power to give a notice to the Chief Executive of the reading of the meter.
Relevant Person	113(1)(b)	Power to give a notice to the Chief Executive of the reading of the meter and notify the Chief Executive about whether or not the meter is a faulty meter.
Holder of the metered entitlement	114(a)	Power to make an application to the Chief Executive to read a meter.
Owner of the works	114(b)	Power to give the Chief Executive notice that the owner has decided to stop using the works.

Division 6 – Ownership

Entity power given to	Section of WATR	Description
Holder or Owner	119(3)	Power to give written notice to the Chief Executive of refusal to accept the transfer.

LIMITATIONS TO THE EXERCISE OF POWER

1. Where Council in its budget or by resolution allocates an amount for the expenditure of Council funds in relation to a particular matter, in exercising delegated power in relation to that matter, the delegate will only commit Council to reasonably foreseeable expenditure up to the amount allocated.
2. The delegate will not exercise any delegated power in relation to a matter which, to the delegate's knowledge, adversely affects, or is likely to adversely affect, Council's relations with the public at large.
3. The delegate will not exercise any delegated power contrary to a resolution or other decision of Council (including a policy decision relating to the matter).
4. The delegate will not exercise any delegated power in a manner, or which has the foreseeable effect, of being contrary to an adopted Council policy or procedure.
5. The delegate will only exercise a delegated power under this resolution in a manner which complies with the requirements of Council's Planning Scheme, and any exercise of power which involves a departure from or variation of those requirements will only be undertaken by Council.
6. The delegate will not exercise any delegated power which cannot lawfully be the subject of delegation by Council.

[2020 04 24 - WATR - Sub-Delegation Instrument]

Conditions imposed on all Delegations

1. Delegated powers must be read in the context of other powers and subject to conditions stipulated therein;
2. Delegated powers must be exercised consistently with the provisions of Local Government Acts or Regulations, Council Policies and Procedure, Local Laws and Subordinate Local Laws;
3. Any decisions must be made within the financial delegation of the delegate;
4. The delegate shall not give Council opinions and if opinions are to be provided, may only provide personal opinions of the delegate, not in an official capacity as an employee of the Council;
5. Delegated powers only apply to the delegate to the extent that they relate to a delegate's scope of duties as particularised in the Position Description pertaining to that delegate, or as otherwise approved in writing by the CEO or by Council Policy;
6. A delegate may not sub-delegate a power provided for in this Register to a subordinate staff member without the express written consent of the Chief Executive Officer or under a Policy or Procedure adopted by Council;
7. Any power that is not delegable under a Local Government Act or Regulation, shall not be delegable under this instrument;
8. All delegations are subject to conditions imposed in the original delegation to CEO contained in the Instrument of Delegations of Local Government;

9. Whilst exercising a power, the delegate may take into account Ailan Kastom (section 9(3) LGA 2009); and
10. All Powers delegated to the Chief Executive Officer in this Instrument shall be subject to prior Council consultation where exercise of such Power in all reasonable likelihood shall:
 -
 - a. impact on land and/or sea; and/or
 - b. involve payment of compensation regarding land; and/or
 - c. require a budget amendment.

INSTRUMENT OF DELEGATION

Torres Strait Island Regional Council ***Work Health and Safety Act 2011 ("WHSA")***

Under section 257 of the *Local Government Act 2009*, Torres Strait Island Regional Council resolves to delegate the exercise of the powers contained in Schedule 1 to the Chief Executive Officer.

These powers must be exercised subject to the limitations contained in Schedule 2.

All prior resolutions delegating the same powers to the Chief Executive Officer are repealed.

Work Health and Safety Act 2011 ("WHS")**Part 3 – Incident notification**

Entity power given to	Section of WHSA	Description
Person who conducts a business or undertaking	38(1)	Power to notify the regulator immediately after becoming aware that a notifiable incident arising out of the conduct of the business or undertaking has occurred.
Person who conducts a business or undertaking	38(4)(b)	Power to, if required by the regulator, give written notice of the incident within 48 hours of that requirement being made.

Part 5 – Consultation, representation and participation**Division 3 – Health and safety representatives****Subdivision 2 – Determination of work groups**

Entity power given to	Section of WHSA	Description
Person who conducts a business or undertaking	52(1)	Power to negotiate and agree upon the work group.
Person who conducts a business or undertaking	52(4)	Power to negotiate a variation of the agreement upon a work group.
Person who conducts a business or undertaking	53(1)	Power to notify the workers of the outcome of negotiations and of any work groups determined by agreement.
Person who conducts a business or undertaking	53(2)	Power to notify the worker of the outcome of the negotiations and of the variation (if any) to the agreement.
Any person who is or would be a party to negotiations	54(1)	Power to ask the regulator to appoint an inspector for the purposes of this section.

Subdivision 3 – Multiple-business work group

Entity power given to	Section of WHSA	Description
Parties to an agreement	55(3)	Power to negotiate a variation of the agreement.
Any party to the negotiations	56(3)	Power to ask the regulator to appoint an inspector.
Person who conducts a	57(1)	Power to notify the workers of the outcome of the negotiations and of any work groups determined by agreement.

business or undertaking		
Person who conducts a business or undertaking	57(2)	Power to notify the workers of the outcome of the negotiations and of the variation (if any) to the agreement.
A party to a negotiation for an agreement	58(1)	Power to withdraw from the negotiation or agreement by giving notice in writing to the other parties.

Subdivision 6 – Obligations of person conducting business or undertaking to health and safety representatives

Entity power given to	Section of WHSA	Description
Person who conducts a business or undertaking	71(5)	Power to refuse, on reasonable grounds to grant access to the workplace to a person assisting a health and safety representative for a work group.
Person who conducts a business or undertaking	71(7)	Power to refuse to grant access to information relating to hazards at the workplace and the health and safety of the workers if the information is confidential commercial information.
Person who conducts business or undertaking	71(8)	Power to decide that financial information or other information that has a commercial value, if disclosed, will cause significant financial harm to a business or undertaking.
Person who conducts a business or undertaking	73(1)	Power to agree to apportion the costs.
Person who conducts a business or undertaking	73(2)	Power to negotiate and agree upon a variation to the apportionment of costs between persons conducting the businesses or undertakings.

Division 4 – Health and safety committees

Entity power given to	Section of WHSA	Description
Person who conducts a business or undertaking	76(1)	Subject to subsections (2) to (4) power to agree upon the constitution of a health and safety committee.
Person who conducts a business or undertaking	76(5)	Power to ask the regulator to appoint an inspector to decide the matter.
Person who conducts a business or undertaking	77(c)	Power to agree upon the functions of a health and safety committee.

Division 5 – Issue resolution

Entity power given to	Section of WHS Act	Description
A party to the issue	82(2)	Power to ask the regulator to appoint an inspector to attend the workplace to assist in resolving the issue.

Division 6 – Right to cease or direct cessation of unsafe work

Entity power given to	Section of WHS Act	Description
Person who conducts a business or undertaking	87	Power to direct a worker to carry out suitable alternative work at the same or another workplace if that work is safe and appropriate for the worker to carry out until the worker can resume normal duties.
Person who conducts a business or undertaking	89	Power to ask the regulator to appoint an inspector to attend the workplace to assist in resolving an issue arising in relation to the cessation of work.

Division 7A – Work health and safety disputes

Entity power given to	Section of WHS Act	Description
Party to the dispute	102B(2)	Power to give the industrial registrar notice of the dispute.
A person dissatisfied with a decision made by the commission under this division.	102G	Power to appeal the decision under the Industrial Relations Act 2016.

Part 7 – Workplace entry by WHS entry permit holders

Division 6 – Dealing with disputes

Entity power given to	Section of WHS Act	Description
Party to the dispute	141	Power to ask the regulator to appoint an inspector to attend the workplace to assist in resolving the dispute.

Subdivision 2 – Role of commission

Entity power given to	Section of WHS Act	Description
A person dissatisfied with a decision made by the commission under this division.	142A(4)	Power to appeal the decision under the Industrial Relations Act 2016.

Part 12 –**Review of decisions****Division 2 – Internal review**

Entity power given to	Section of WHS	Description
An eligible person in relation to a reviewable decision	224	Power to apply to the regulator for internal review.

Division 3 – External review

Entity power given to	Section of WHS	Description
Eligible person	229	Power to apply to the external review body for an external review.

LIMITATIONS TO THE EXERCISE OF POWER

1. Where Council in its budget or by resolution allocates an amount for the expenditure of Council funds in relation to a particular matter, in exercising delegated power in relation to that matter, the delegate will only commit Council to reasonably foreseeable expenditure up to the amount allocated.
2. The delegate will not exercise any delegated power in relation to a matter which, to the delegate's knowledge, adversely affects, or is likely to adversely affect, Council's relations with the public at large.
3. The delegate will not exercise any delegated power contrary to a resolution or other decision of Council (including a policy decision relating to the matter).
4. The delegate will not exercise any delegated power in a manner, or which has the foreseeable effect, of being contrary to an adopted Council policy or procedure.
5. The delegate will only exercise a delegated power under this resolution in a manner which complies with the requirements of Council's Planning Scheme, and any exercise of power which involves a departure from or variation of those requirements will only be undertaken by Council.
6. The delegate will not exercise any delegated power which cannot lawfully be the subject of delegation by Council.

[2019 03 18 - WHSA - Delegation Instrument]

Conditions imposed on all Delegations

1. Delegated powers must be read in the context of other powers and subject to conditions stipulated therein;
2. Delegated powers must be exercised consistently with the provisions of Local Government Acts or Regulations, Council Policies and Procedure, Local Laws and Subordinate Local Laws;
3. Any decisions must be made within the financial delegation of the delegate;
4. The delegate shall not give Council opinions and if opinions are to be provided, may only provide personal opinions of the delegate, not in an official capacity as an employee of the Council;
5. Delegated powers only apply to the delegate to the extent that they relate to a delegate's scope of duties as particularised in the Position Description pertaining to that delegate, or as otherwise approved in writing by the CEO or by Council Policy;
6. A delegate may not sub-delegate a power provided for in this Register to a subordinate staff member without the express written consent of the Chief Executive Officer or under a Policy or Procedure adopted by Council;
7. Any power that is not delegable under a Local Government Act or Regulation, shall not be delegable under this instrument;
8. All delegations are subject to conditions imposed in the original delegation to CEO contained in the Instrument of Delegations of Local Government;

9. Whilst exercising a power, the delegate may take into account Ailan Kastom (section 9(3) LGA 2009); and
10. All Powers delegated to the Chief Executive Officer in this Instrument shall be subject to prior Council consultation where exercise of such Power in all reasonable likelihood shall:
 -
 - a. impact on land and/or sea; and/or
 - b. involve payment of compensation regarding land; and/or
 - c. require a budget amendment.

DELEGABLE POWERS UNDER THE WORK HEALTH AND SAFETY ACT 2011 ("WHS")

Part 3 – Incident notification

Entity power given to	Section of WHSA	Description	Delegation to the CEO / Date of Resolution	Sub-Delegation to Officers	Date of Sub-Delegation	Limitations and Conditions
Person who conducts a business or undertaking	38(1)	Power to notify the regulator immediately after becoming aware that a notifiable incident arising out of the conduct of the business or undertaking has occurred.				
Person who conducts a business or undertaking	38(4)(b)	Power to, if required by the regulator, give written notice of the incident within 48 hours of that requirement being made.				

Part 5 – Consultation, representation and participation

Division 3 – Health and safety representatives

Subdivision 2 – Determination of work groups

Entity power given to	Section of WHSA	Description	Delegation to the CEO / Date of Resolution	Sub-Delegation to Officers	Date of Sub-Delegation	Limitations and Conditions
Person who conducts a business or undertaking	52(1)	Power to negotiate and agree upon the work group.				
Person who conducts a business or undertaking	52(4)	Power to negotiate a variation of the agreement upon a work group.				

Person who conducts a business or undertaking	53(1)	Power to notify the workers of the outcome of negotiations and of any work groups determined by agreement.				
Person who conducts a business or undertaking	53(2)	Power to notify the worker of the outcome of the negotiations and of the variation (if any) to the agreement.				
Any person who is or would be a party to negotiations	54(1)	Power to ask the regulator to appoint an inspector for the purposes of this section.				

Subdivision 3 – Multiple-business work group

Entity power given to	Section of WHSA	Description	Delegation to the CEO / Date of Resolution	Sub-Delegation to Officers	Date of Sub-Delegation	Limitations and Conditions
Parties to an agreement	55(3)	Power to negotiate a variation of the agreement.				
Any party to the negotiations	56(3)	Power to ask the regulator to appoint an inspector.				
Person who conducts a business or undertaking	57(1)	Power to notify the workers of the outcome of the negotiations and of any work groups determined by agreement.				
Person who conducts a business or undertaking	57(2)	Power to notify the workers of the outcome of the negotiations and of the variation (if any) to the agreement.				
A party to a negotiation	58(1)	Power to withdraw from the negotiation or agreement by giving notice in writing to the other parties.				

for an agreement						
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Subdivision 6 – Obligations of person conducting business or undertaking to health and safety representatives

Entity power given to	Section of WHSA	Description	Delegation to the CEO / Date of Resolution	Sub-Delegation to Officers	Date of Sub-Delegation	Limitations and Conditions
Person who conducts a business or undertaking	71(5)	Power to refuse, on reasonable grounds to grant access to the workplace to a person assisting a health and safety representative for a work group.				
Person who conducts a business or undertaking	71(7)	Power to refuse to grant access to information relating to hazards at the workplace and the health and safety of the workers if the information is confidential commercial information.				
Person who conducts business or undertaking	71(8)	Power to decide that financial information or other information that has a commercial value, if disclosed, will cause significant financial harm to a business or undertaking.				
Person who conducts a business or undertaking	73(1)	Power to agree to apportion the costs.				
Person who conducts a business or undertaking	73(2)	Power to negotiate and agree upon a variation to the apportionment of costs between persons conducting the businesses or undertakings.				

Division 4 – Health and safety committees

Entity power given to	Section of WHSA	Description	Delegation to the CEO / Date of Resolution	Sub-Delegation to Officers	Date of Sub-Delegation	Limitations and Conditions
Person who conducts a business or undertaking	76(1)	Subject to subsections (2) to (4) power to agree upon the constitution of a health and safety committee.				
Person who conducts a business or undertaking	76(5)	Power to ask the regulator to appoint an inspector to decide the matter.				
Person who conducts a business or undertaking	77(c)	Power to agree upon the functions of a health and safety committee.				

Division 5 – Issue resolution

Entity power given to	Section of WHSA	Description	Delegation to the CEO / Date of Resolution	Sub-Delegation to Officers	Date of Sub-Delegation	Limitations and Conditions
A party to the issue	82(2)	Power to ask the regulator to appoint an inspector to attend the workplace to assist in resolving the issue.				

Division 6 – Right to cease or direct cessation of unsafe work

Entity power given to	Section of WHSA	Description	Delegation to the CEO / Date of Resolution	Sub-Delegation to Officers	Date of Sub-Delegation	Limitations and Conditions
Person who conducts a	87	Power to direct a worker to carry out suitable alternative work at the same or another workplace if that work is safe and				

business or undertaking		appropriate for the worker to carry out until the worker can resume normal duties.				
Person who conducts a business or undertaking	89	Power to ask the regulator to appoint an inspector to attend the workplace to assist in resolving an issue arising in relation to the cessation of work.				

Division 7A – Work health and safety disputes

Entity power given to	Section of WHSA	Description	Delegation to the CEO / Date of Resolution	Sub-Delegation to Officers	Date of Sub-Delegation	Limitations and Conditions
Party to the dispute	102B(2)	Power to give the industrial registrar notice of the dispute.				
A person dissatisfied with a decision made by the commission under this division.	102G	Power to appeal the decision under the Industrial Relations Act 2016.				

Part 7 – Workplace entry by WHS entry permit holders

Division 6 – Dealing with disputes

Entity power given to	Section of WHSA	Description	Delegation to the CEO / Date of Resolution	Sub-Delegation to Officers	Date of Sub-Delegation	Limitations and Conditions
Party to the dispute	141	Power to ask the regulator to appoint an inspector to attend the workplace to assist in resolving the dispute.				

Subdivision 2 – Role of commission

Entity power given to	Section of WHSA	Description	Delegation to the CEO / Date of Resolution	Sub-Delegation to Officers	Date of Sub-Delegation	Limitations and Conditions
A person dissatisfied with a decision made by the commission under this division.	142A(4)	Power to appeal the decision under the Industrial Relations Act 2016.				

Part 12 – Review of decisions

Division 2 – Internal review

Entity power given to	Section of WHSA	Description	Delegation to the CEO / Date of Resolution	Sub-Delegation to Officers	Date of Sub-Delegation	Limitations and Conditions
An eligible person in relation to a reviewable decision	224	Power to apply to the regulator for internal review.				

Division 3 – External review

Entity power given to	Section of WHSA	Description	Delegation to the CEO / Date of Resolution	Sub-Delegation to Officers	Date of Sub-Delegation	Limitations and Conditions
Eligible person	229	Power to apply to the external review body for an external review.				

[2019 03 18 - WHSA - Delegation Table]

INSTRUMENT OF SUB-DELEGATION

Torres Strait Island Regional Council
Work Health and Safety Act 2011 ("WHS")

Under section 259 of the *Local Government Act 2009*, I, **Bruce Ranga**, Chief Executive Officer of **Torres Strait Island Regional Council**, delegate to those positions which are specified in Schedule 1, the exercise of the powers contained in Schedule 2.

These powers must be exercised subject to the limitations contained in Schedule 3.

This Instrument of Sub-Delegation repeals all prior Instruments sub-delegating to the positions specified in Schedule 1 the exercise of the powers contained in Schedule 2.

My authority to make these sub-delegations is conferred by the *Local Government Act 2009* and the resolution of **Torres Strait Island Regional Council** made on **Insert date** to delegate those powers to the Chief Executive Officer.

DATED this day of 2020.

Bruce Ranga
Chief Executive Officer
Torres Strait Island Regional Council

Position: Insert Position
Position Code: Insert Position Code

POWERS SUB-DELEGATED

Work Health and Safety Act 2011 ("WHS Act")

Part 3 – Incident notification

Entity power given to	Section of WHSA	Description
Person who conducts a business or undertaking	38(1)	Power to notify the regulator immediately after becoming aware that a notifiable incident arising out of the conduct of the business or undertaking has occurred.
Person who conducts a business or undertaking	38(4)(b)	Power to, if required by the regulator, give written notice of the incident within 48 hours of that requirement being made.

Part 5 – Consultation, representation and participation

Division 3 – Health and safety representatives

Subdivision 2 – Determination of work groups

Entity power given to	Section of WHSA	Description
Person who conducts a business or undertaking	52(1)	Power to negotiate and agree upon the work group.
Person who conducts a business or undertaking	52(4)	Power to negotiate a variation of the agreement upon a work group.
Person who conducts a business or undertaking	53(1)	Power to notify the workers of the outcome of negotiations and of any work groups determined by agreement.
Person who conducts a business or undertaking	53(2)	Power to notify the worker of the outcome of the negotiations and of the variation (if any) to the agreement.
Any person who is or would be a party to negotiations	54(1)	Power to ask the regulator to appoint an inspector for the purposes of this section.

Subdivision 3 – Multiple-business work group

Entity power given to	Section of WHSA	Description
Parties to an agreement	55(3)	Power to negotiate a variation of the agreement.
Any party to the negotiations	56(3)	Power to ask the regulator to appoint an inspector.

Person who conducts a business or undertaking	57(1)	Power to notify the workers of the outcome of the negotiations and of any work groups determined by agreement.
Person who conducts a business or undertaking	57(2)	Power to notify the workers of the outcome of the negotiations and of the variation (if any) to the agreement.
A party to a negotiation for an agreement	58(1)	Power to withdraw from the negotiation or agreement by giving notice in writing to the other parties.

Subdivision 6 – Obligations of person conducting business or undertaking to health and safety representatives

Entity power given to	Section of WHSA	Description
Person who conducts a business or undertaking	71(5)	Power to refuse, on reasonable grounds to grant access to the workplace to a person assisting a health and safety representative for a work group.
Person who conducts a business or undertaking	71(7)	Power to refuse to grant access to information relating to hazards at the workplace and the health and safety of the workers if the information is confidential commercial information.
Person who conducts business or undertaking	71(8)	Power to decide that financial information or other information that has a commercial value, if disclosed, will cause significant financial harm to a business or undertaking.
Person who conducts a business or undertaking	73(1)	Power to agree to apportion the costs.
Person who conducts a business or undertaking	73(2)	Power to negotiate and agree upon a variation to the apportionment of costs between persons conducting the businesses or undertakings.

Division 4 – Health and safety committees

Entity power given to	Section of WHSA	Description
Person who conducts a business or undertaking	76(1)	Subject to subsections (2) to (4) power to agree upon the constitution of a health and safety committee.
Person who conducts a business or undertaking	76(5)	Power to ask the regulator to appoint an inspector to decide the matter.
Person who conducts a business or undertaking	77(c)	Power to agree upon the functions of a health and safety committee.

Division 5 – Issue resolution

Entity power given to	Section of WHS Act	Description
A party to the issue	82(2)	Power to ask the regulator to appoint an inspector to attend the workplace to assist in resolving the issue.

Division 6 – Right to cease or direct cessation of unsafe work

Entity power given to	Section of WHS Act	Description
Person who conducts a business or undertaking	87	Power to direct a worker to carry out suitable alternative work at the same or another workplace if that work is safe and appropriate for the worker to carry out until the worker can resume normal duties.
Person who conducts a business or undertaking	89	Power to ask the regulator to appoint an inspector to attend the workplace to assist in resolving an issue arising in relation to the cessation of work.

Division 7A – Work health and safety disputes

Entity power given to	Section of WHS Act	Description
Party to the dispute	102B(2)	Power to give the industrial registrar notice of the dispute.
A person dissatisfied with a decision made by the commission under this division.	102G	Power to appeal the decision under the Industrial Relations Act 2016.

Part 7 – Workplace entry by WHS entry permit holders

Division 6 – Dealing with disputes

Entity power given to	Section of WHS Act	Description
Party to the dispute	141	Power to ask the regulator to appoint an inspector to attend the workplace to assist in resolving the dispute.

Subdivision 2 – Role of commission

Entity power given to	Section of WHS Act	Description
A person dissatisfied with a decision made by the commission under this division.	142A(4)	Power to appeal the decision under the Industrial Relations Act 2016.

Part 12 –**Review of decisions****Division 2 – Internal review**

Entity power given to	Section of WHS	Description
An eligible person in relation to a reviewable decision	224	Power to apply to the regulator for internal review.

Division 3 – External review

Entity power given to	Section of WHS	Description
Eligible person	229	Power to apply to the external review body for an external review.

LIMITATIONS TO THE EXERCISE OF POWER

1. Where Council in its budget or by resolution allocates an amount for the expenditure of Council funds in relation to a particular matter, in exercising delegated power in relation to that matter, the delegate will only commit Council to reasonably foreseeable expenditure up to the amount allocated.
2. The delegate will not exercise any delegated power in relation to a matter which, to the delegate's knowledge, adversely affects, or is likely to adversely affect, Council's relations with the public at large.
3. The delegate will not exercise any delegated power contrary to a resolution or other decision of Council (including a policy decision relating to the matter).
4. The delegate will not exercise any delegated power in a manner, or which has the foreseeable effect, of being contrary to an adopted Council policy or procedure.
5. The delegate will only exercise a delegated power under this resolution in a manner which complies with the requirements of Council's Planning Scheme, and any exercise of power which involves a departure from or variation of those requirements will only be undertaken by Council.
6. The delegate will not exercise any delegated power which cannot lawfully be the subject of delegation by Council.

[2019 03 18 - WHSA - Sub-Delegation Instrument]

Conditions imposed on all Delegations

1. Delegated powers must be read in the context of other powers and subject to conditions stipulated therein;
2. Delegated powers must be exercised consistently with the provisions of Local Government Acts or Regulations, Council Policies and Procedure, Local Laws and Subordinate Local Laws;
3. Any decisions must be made within the financial delegation of the delegate;
4. The delegate shall not give Council opinions and if opinions are to be provided, may only provide personal opinions of the delegate, not in an official capacity as an employee of the Council;
5. Delegated powers only apply to the delegate to the extent that they relate to a delegate's scope of duties as particularised in the Position Description pertaining to that delegate, or as otherwise approved in writing by the CEO or by Council Policy;
6. A delegate may not sub-delegate a power provided for in this Register to a subordinate staff member without the express written consent of the Chief Executive Officer or under a Policy or Procedure adopted by Council;
7. Any power that is not delegable under a Local Government Act or Regulation, shall not be delegable under this instrument;
8. All delegations are subject to conditions imposed in the original delegation to CEO contained in the Instrument of Delegations of Local Government;

9. Whilst exercising a power, the delegate may take into account Ailan Kastom (section 9(3) LGA 2009); and
10. All Powers delegated to the Chief Executive Officer in this Instrument shall be subject to prior Council consultation where exercise of such Power in all reasonable likelihood shall:
 -
 - a. impact on land and/or sea; and/or
 - b. involve payment of compensation regarding land; and/or
 - c. require a budget amendment.

INSTRUMENT OF DELEGATION

Torres Strait Island Regional Council ***Waste Reduction and Recycling Regulation 2011 ("WRRR")***

Under section 257 of the *Local Government Act 2009*, Torres Strait Island Regional Council resolves to delegate the exercise of the powers contained in Schedule 1 to the Chief Executive Officer.

These powers must be exercised subject to the limitations contained in Schedule 2.

All prior resolutions delegating the same powers to the Chief Executive Officer are repealed.

Waste Reduction and Recycling Regulation 2011 ("WRRR")**Part 2A – Designation of areas by local governments for general or green waste collection**

Entity power given to	Section of WRRR	Description
Local Government	7(b)	Power to decide the frequency of general waste or green waste collection in the designated areas.

Part 3 - Waste levy**Division 4 – Discounting waste levy for residue waste**

Entity power given to	Section of WRRR	Description
Holder of the approval	11J(1)(b)	In the circumstances, the power to give the chief executive a report that complies with subsection (2) within 2 months after each reporting period ends.

LIMITATIONS TO THE EXERCISE OF POWER

1. Where Council in its budget or by resolution allocates an amount for the expenditure of Council funds in relation to a particular matter, in exercising delegated power in relation to that matter, the delegate will only commit Council to reasonably foreseeable expenditure up to the amount allocated.
2. The delegate will not exercise any delegated power in relation to a matter which, to the delegate's knowledge, adversely affects, or is likely to adversely affect, Council's relations with the public at large.
3. The delegate will not exercise any delegated power contrary to a resolution or other decision of Council (including a policy decision relating to the matter).
4. The delegate will not exercise any delegated power in a manner, or which has the foreseeable effect, of being contrary to an adopted Council policy or procedure.
5. The delegate will only exercise a delegated power under this resolution in a manner which complies with the requirements of Council's Planning Scheme, and any exercise of power which involves a departure from or variation of those requirements will only be undertaken by Council.
6. The delegate will not exercise any delegated power which cannot lawfully be the subject of delegation by Council.

[2019 09 01 - WRRR - Delegation Instrument]

Conditions imposed on all Delegations

1. Delegated powers must be read in the context of other powers and subject to conditions stipulated therein;
2. Delegated powers must be exercised consistently with the provisions of Local Government Acts or Regulations, Council Policies and Procedure, Local Laws and Subordinate Local Laws;
3. Any decisions must be made within the financial delegation of the delegate;
4. The delegate shall not give Council opinions and if opinions are to be provided, may only provide personal opinions of the delegate, not in an official capacity as an employee of the Council;
5. Delegated powers only apply to the delegate to the extent that they relate to a delegate's scope of duties as particularised in the Position Description pertaining to that delegate, or as otherwise approved in writing by the CEO or by Council Policy;
6. A delegate may not sub-delegate a power provided for in this Register to a subordinate staff member without the express written consent of the Chief Executive Officer or under a Policy or Procedure adopted by Council;
7. Any power that is not delegable under a Local Government Act or Regulation, shall not be delegable under this instrument;
8. All delegations are subject to conditions imposed in the original delegation to CEO contained in the Instrument of Delegations of Local Government;

9. Whilst exercising a power, the delegate may take into account Ailan Kastom (section 9(3) LGA 2009); and
10. All Powers delegated to the Chief Executive Officer in this Instrument shall be subject to prior Council consultation where exercise of such Power in all reasonable likelihood shall:
 -
 - a. impact on land and/or sea; and/or
 - b. involve payment of compensation regarding land; and/or
 - c. require a budget amendment.

DELEGABLE POWERS UNDER THE WASTE REDUCTION AND RECYCLING REGULATION 2011 ("WRRR")

Part 2A – Designation of areas by local governments for general or green waste collection

Entity power given to	Section of WRRR		Delegation to the CEO / Date of Resolution	Sub-Delegation to Officers	Date of Sub-Delegation	Limitations and Conditions
Local Government	7(b)	Power to decide the frequency of general waste or green waste collection in the designated areas.				

Part 3 - Waste levy

Division 4 – Discounting waste levy for residue waste

Entity power given to	Section of WRRR	Description	Delegation to the CEO / Date of Resolution	Sub-Delegation to Officers	Date of Sub-Delegation	Limitations and Conditions
Holder of the approval	11J(1)(b)	In the circumstances, the power to give the chief executive a report that complies with subsection (2) within 2 months after each reporting period ends.				Effective 1 July 2019

[2019 09 01 - WRRR - Delegation Table]

Torres Strait Island Regional Council
Waste Reduction and Recycling Regulation 2011 ("WRRR")

Bruce Ranga
Chief Executive Officer
Torres Strait Island Regional Council

Position: Insert Position
Position Code: Insert Position Code

POWERS SUB-DELEGATED

Waste Reduction and Recycling Regulation 2011 ("WRRR")

Part 2A – Designation of areas by local governments for general or green waste collection

Entity power given to	Section of WRRR	Description
Local Government	7(b)	Power to decide the frequency of general waste or green waste collection in the designated areas.

Part 3 - Waste levy

Division 4 – Discounting waste levy for residue waste

Entity power given to	Section of WRRR	Description
Holder of the approval	11J(1)(b)	In the circumstances, the power to give the chief executive a report that complies with subsection (2) within 2 months after each reporting period ends.

LIMITATIONS TO THE EXERCISE OF POWER

1. Where Council in its budget or by resolution allocates an amount for the expenditure of Council funds in relation to a particular matter, in exercising delegated power in relation to that matter, the delegate will only commit Council to reasonably foreseeable expenditure up to the amount allocated.
2. The delegate will not exercise any delegated power in relation to a matter which, to the delegate's knowledge, adversely affects, or is likely to adversely affect, Council's relations with the public at large.
3. The delegate will not exercise any delegated power contrary to a resolution or other decision of Council (including a policy decision relating to the matter).
4. The delegate will not exercise any delegated power in a manner, or which has the foreseeable effect, of being contrary to an adopted Council policy or procedure.
5. The delegate will only exercise a delegated power under this resolution in a manner which complies with the requirements of Council's Planning Scheme, and any exercise of power which involves a departure from or variation of those requirements will only be undertaken by Council.
6. The delegate will not exercise any delegated power which cannot lawfully be the subject of delegation by Council.

[2019 09 01 - WRRR - Sub-Delegation Instrument]

Conditions imposed on all Delegations

1. Delegated powers must be read in the context of other powers and subject to conditions stipulated therein;
2. Delegated powers must be exercised consistently with the provisions of Local Government Acts or Regulations, Council Policies and Procedure, Local Laws and Subordinate Local Laws;
3. Any decisions must be made within the financial delegation of the delegate;
4. The delegate shall not give Council opinions and if opinions are to be provided, may only provide personal opinions of the delegate, not in an official capacity as an employee of the Council;
5. Delegated powers only apply to the delegate to the extent that they relate to a delegate's scope of duties as particularised in the Position Description pertaining to that delegate, or as otherwise approved in writing by the CEO or by Council Policy;
6. A delegate may not sub-delegate a power provided for in this Register to a subordinate staff member without the express written consent of the Chief Executive Officer or under a Policy or Procedure adopted by Council;
7. Any power that is not delegable under a Local Government Act or Regulation, shall not be delegable under this instrument;
8. All delegations are subject to conditions imposed in the original delegation to CEO contained in the Instrument of Delegations of Local Government;

9. Whilst exercising a power, the delegate may take into account Ailan Kastom (section 9(3) LGA 2009); and
10. All Powers delegated to the Chief Executive Officer in this Instrument shall be subject to prior Council consultation where exercise of such Power in all reasonable likelihood shall:
 -
 - a. impact on land and/or sea; and/or
 - b. involve payment of compensation regarding land; and/or
 - c. require a budget amendment.